Order made by the Minister of Agriculture, Fisheries and Food, laid before Parliament under section 1(8) of the Food and Environment Protection Act 1985, for approval by resolution of each House of 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.

STATUTORY INSTRUMENTS

1987 No. 1893

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (England) Order 1987

Made - - - -	*5th November 1987*
Laid before Parliament	*5th November 1987*
Coming into force	*7th November 1987*

Whereas the Minister of Agriculture, Fisheries and Food is of the opinion, in accordance with section 1(1)(a) of the Food and Environment Protection Act 1985(a), that there has been or may have been an escape of substances of such descriptions and in such quantities and such circumstances as are likely to create a hazard to human health through human consumption of food;

And whereas the said Minister is of the opinion, in accordance with section 1(1)(b) of the said Act, that in consequence of the said escape of substances food which is or may be in the future in the area described in Schedule 1 to the following Order, or which is derived or may be in the future derived from anything in that area, is, or may be, or may become, unsuitable for human consumption;

Now, therefore, the said Minister, in exercise of the powers conferred on him by section 1(1) and section 24(3) of the said Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (England) Order 1987 and shall come into operation on 7th November 1987.

(2) In this Order–

(a) "the Act" means the Food and Environment Protection Act 1985,

(b) "designated area" means the area described in Schedule 1 to this Order,

(c) "sheep" means an animal of the genus *Ovis* of whatever age or sex.

Designated incident

2. In the opinion of the Minister of Agriculture, Fisheries and Food, food in the area described in Schedule 1 to this Order, or which is derived or may be in the future derived

(a) 1985 c.48.

from anything in that area, is, or may be, or may become unsuitable for human consumption in consequence of the following escape of substances–

the escape on or after 26th April 1986 of radioactive substances from a nuclear powered reactor situated at Chernobyl in the Ukraine, USSR.

Designated area

3. The area described in Schedule 1 to this Order is hereby designated for the purposes of Part I of the Act.

Activities prohibited in the designated area

4.—(1) No person shall in the designated area slaughter any sheep for human consumption or for use in the preparation of feeding stuffs.

(2) Paragraph (1) above shall not apply in the case of any sheep which–

(a) was moved from any place in accordance with a consent given under section 2(1) of the Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark; and

(b) has been examined and marked with an ear-tag by a person authorised in that behalf by one of the Ministers.

Restrictions on movement

5.—(1) No person shall move any sheep from a farm, holding or agricultural premises situated in the designated area.

(2) Subject to paragraph (3) below, no person shall move into the designated area any sheep which has been removed from that area or from an area which is from time to time designated by an Order under section 1 of the Act which refers to the escape of substances described in article 2 of this Order.

(3) Paragraph (2) above shall not apply in the case of any sheep which was moved from any place in accordance with a consent given under section 2(1) of the Act which consent was subject to the condition that the sheep to which it applies should be marked with a red mark.

Restrictions throughout the United Kingdom

6.—(1) Subject to paragraph (2) below, no person shall, in the United Kingdom–

(a) slaughter for human consumption or for use in the preparation of feeding stuffs any sheep that was in the designated area at any time after 11 am on 20th June 1986; or

(b) supply, or have in possession for supply, any meat derived from a sheep, or any food which contains any such meat, if that sheep was in the designated area at any time after 11 am on 20th June 1986.

(2) Paragraph (1) above shall not apply in the case of–

(a) any sheep which was moved to a market in accordance with a consent given under section 2(1) of the Act which consent did not require that the sheep to which it applies should be marked in a manner specified therein;

(b) any sheep which was moved from any place in accordance with a consent given under the said section 2(1) on or before 21st December 1986 which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark;

(c) any sheep which was moved from any place in accordance with a consent given under the said section 2(1) on or before 26th July 1987 which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark; or

(d) any sheep which–

(i) was moved from any place in accordance with a consent given under the said section 2(1) which consent was subject to the condition that the sheep to which it applies should be marked with a red mark or with a green mark; or

(ii) was moved from any place in accordance with such a consent given on or after 28th September 1987 which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark,

and which, in either case, has been examined and marked with an ear-tag by a person authorised in that behalf by one of the Ministers.

Revocation

7. The Orders specified in Schedule 2 to this Order are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th November 1987.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

SCHEDULE 1

Article 3

THE DESIGNATED AREA

Cumbria

The area comprising those parts of the county of Cumbria which lie within the following boundary–

From the junction of a minor road with a footpath at O.S. map ref. SD 216929, north on the footpath to O.S. map ref. SD 218933; south east on the footpath to O.S. map ref. SD 225923; north east on the footpath via Carter Ground to its junction with a footpath at O.S. map ref. SD 232935; east and then north on the footpath via Stephenson Ground to its junction with Walna Scar Road; east on Walna Scar Road to its junction with a footpath at O.S. map ref. SD 258965; north east on the footpath via Dow Crag to its junction with a footpath at Cairn; north on the footpath via Little How Crags and Great How Crags to its junction with a footpath at O.S. map ref. NY 273000; north west and then north east on the footpath to its junction with a minor road at O.S. map ref. NY 276027; east on the minor road via Fell Foot to its junction with a minor road at O.S. map ref. NY 302030; north west along the minor road to where it crosses Great Langdale Beck at O.S. map ref. NY 285060; north west along Great Langdale Beck through Mickleden to Rossett Gill; north west along Rossett Gill to where it meets a footpath at Rossett Pike (O.S. map ref. NY 248075); north west on the footpath to Angle Tarn (O.S. map ref. NY 245078); north along the stream which leaves Angle Tarn to Langstrath Beck; north east along Langstrath Beck to its confluence with Greenup Gill; north west along Stonethwaite Beck to where it meets the road B5289 at Rosthwaite (O.S. map ref. NY 258145); south west on the road B5289 to Seatoller; north west on the road B5289 via Honister Pass and Gatesgarth to where it meets Buttermere (O.S. map ref. NY 191153); through the centre of Buttermere to its north west corner (O.S. map ref. NY 173163); north west along a river to where it flows into Crummock Water; north through the middle of Crummock Water to where the River Cocker flows out of it; north along the River Cocker to where it is crossed by a minor road at O.S. map ref. NY 148215; west on the minor road to its junction with a minor road at Fangs Brow Farm (O.S. map ref. NY 105228); south west on the minor road via Lamplugh to its junction with a minor road at Croasdale (O.S. map ref. NY 093174); north east on a minor road to O.S. map ref. NY 094176; north east following field boundaries to O.S. map ref. NY 097177; south east following fell walls along the edge of Banna Fell and Herdus Fell to O.S. map ref. NY 109165; south following field boundaries to O.S. map ref. NY 112159; west following the boundary of Bowness Plantation to a track at O.S. map ref. NY 110159; south on the track to its junction with a footpath at O.S. map ref. NY 109154; north west on the footpath to Ennerdale Water at O.S. map ref. NY 106155; north west along the edge of Ennerdale Water to a footpath at O.S. map ref. NY 091151; west following the footpath to Cragg Farm; west following the forest boundary to O.S. map ref. NY 072147; south following field boundaries to O.S. map ref. NY 067142; north west following the forest boundary to O.S. map ref. NY 065145; south west following the forest boundary to a minor road at O.S. map ref. NY 063144; south on the minor road via Blakeley

Raise and Cold Fell to its junction with a minor road at O.S. map ref. NY 047066; north east along the minor road to where it crosses the River Calder at O.S. map ref. NY 056068; north along the River Calder to O.S. map ref. NY 062078; south east following the field boundary to its junction with the minor road north east of High Prior Scales (O.S. map ref. NY 065075); east following the field boundary to where it meets a footpath at Farmery (O.S. map ref. NY 076071); south east following the footpath to O.S. map ref. NY 077072; south east along the boundary of Ponsonby Fell to O.S. map ref. NY 076061; east to the west corner of Blengdale Forest (O.S. map ref. NY 077062); south east following the edge of Blengdale Forest to O.S. map ref. NY 080057; north east following the edge of Blengdale Forest to O.S. map ref. NY 082062; follow the edge of Blengdale Forest to O.S. map ref. NY 086058; across the River Bleng and through Blengdale Forest in a direct line to the edge of the forest at O.S. map ref. NY 089058; north and then west following the edge of the Blengdale Forest to O.S. map ref. NY 093060; south east along the field boundaries to a minor road at O.S. map ref. NY 096053; north east along the field boundaries to where it meets Bolton Wood at O.S. map ref. NY 097054; south following the boundary of Bolton Wood and following the field boundaries along the east side of Scarbrow Wood to the Gosforth/Nether Wasdale minor road at O.S. map ref. NY 101043; east along the minor road to its junction with a minor road at O.S. map ref. NY 113047; east on the minor road to the road junction at O.S. map ref. NY 119049; north east on the minor road leading to Greendale and via Greendale to the edge of Wast Water at O.S. map ref. NY 151054; south west following the edge of Wast Water and across where the River Irt leaves Wast Water at O.S. map ref. NY 143038; west on a track to its junction with a footpath at Easthwaite (O.S. map ref. NY 136034); south on the footpath to where it meets Latterbarrow Wood at O.S. map ref. NY 135032; west along the north edge of the forest to a minor road at O.S. map ref. NY 118027; south west along the minor road to Santon Bridge (O.S. map ref. NY 111016); south east along a minor road to the railway station at Irton Road (O.S. map ref. SD 138999); south west along the Ravenglass and Eskdale Railway to the railway station at Muncaster Mill (O.S. map ref. SD 095978); south along the road A595(T) to its junction with a minor road at Broad Oak; south following the minor road to its junction with a minor road at O.S. map ref. SD 116923; south east on the minor road to the road Junction at O.S. map ref. SD 118921; south west on the minor road via Corney to its junction with the road A595(T) at Cross House (O.S. map ref. SD 107890); south on the road A595(T) to its junction with the road A5093 at Whicham; north east on the road A595(T) to its junction with a minor road at O.S. map ref. SD 180864; north on the minor road via Broadgate and Cragg Hall to its junction with a minor road at O.S. map ref. SD 177894; east along the minor road to its junction with a minor road at O.S. map ref. SD 186900; north west along the minor road to its junction with a track at Beckstones; north on the track via Ulpha Park to its junction with a minor road at O.S. map ref. SD 187924; north east on the minor road via Ulpha and The Crook and across the River Duddon to its junction with a minor road at O.S. map ref. SD 213953; south on the minor road via Far Kiln Bank to its junction with a footpath at O.S. map ref. SD 216929.

The area excludes any part of a road, track, footpath, railway or river by reference to which its boundary is defined.

SCHEDULE 2

Article 7

ORDERS REVOKED

Orders	*References*
1. The Food Protection (Emergency Prohibitions) (England) (No. 2) Order 1986.	S.I. 1986/1689.
2. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment Order 1986.	S.I. 1986/2208.
3. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment Order 1987.	S.I. 1987/153.
4. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment No. 2 Order 1987.	S.I. 1987/249.
5. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment No. 3 Order 1987.	S.I. 1987/906.
6. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment No. 4 Order 1987.	S.I. 1987/1555.
7. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment No. 5 Order 1987.	S.I. 1987/1687.
8. The Food Protection (Emergency Prohibitions) (England) (No. 2) Amendment No. 6 Order 1987.	S.I. 1987/1803.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces in relation to an area of land in England the Food Protection (Emergency Prohibitions) (England) (No. 2) Order 1986 as amended. It contains emergency prohibitions restricting various activities in order to prevent human consumption of food which has been or which may have been rendered unsuitable for that purpose in consequence of the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the USSR.

The Order designates an area of land in England affected by the escape from which the movement of sheep, and in which the slaughter of sheep other than sheep identified by a red paint mark which have been examined and subsequently marked with an ear-tag, are prohibited (articles 3, 4 and 5(1) and Schedule 1). Movement into the designated area of sheep which have been removed from it or from a similarly designated area elsewhere in the United Kingdom (other than sheep which have been identified by a red paint mark, and moved, in accordance with a Ministerial consent) is prohibited (article 5(2)).

Restrictions on the slaughter of sheep from the designated area, and the supply of meat derived from such sheep, extend throughout the United Kingdom subject to exceptions (article 6(1)). Those exceptions permit the slaughter of, and the supply of meat derived from, such sheep moved unmarked to a market in accordance with a Ministerial consent or moved in accordance with such a consent which required the sheep to which it applied to be marked with a specified colour subject, in certain cases, to the sheep so identified having been subsequently examined and marked with an ear-tag by a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or Wales or the Department of Agriculture for Northern Ireland (article 6(2)).

Under section 21 of the Food and Environment Protection Act 1985 the penalty for contravening an emergency prohibition is–

(a) on summary conviction, a fine of an amount not exceeding the statutory maximum (at present £2,000);

(b) on conviction on indictment, an unlimited fine, or imprisonment for a term of not more than two years or both.

Powers of enforcement in relation to emergency prohibitions are conferred by section 4 of, and Schedule 2 to, the Act. Obstruction of enforcement officers is an offence under paragraph 10 of that Schedule.

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