Order made by the Secretary of State, laid before Parliament under section 1(8) of the Food and Environment Protection Act 1965, 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. 1837

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

CONTAMINATION OF FOOD

The Food Protection (Emergency Prohibitions) (No.3) Order 1987

Made - - - -	*21st October 1987*
Laid before Parliament	*22nd October 1987*
Coming into force	22nd October 1987

Whereas the Secretary of State is of the opinion, as mentioned in 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 he is of the opinion, as mentioned in 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 areas described in the Schedule to the following Order, or which is, or may be in the future, derived from anything in those areas, is, or may be, or may become, unsuitable for human consumption;

Now, therefore, in exercise of the powers conferred on him by sections 1(1) and (2), and 24(1) and (3) of the said Act(**b**), and of all other powers enabling him in that behalf, he hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) (No.3) Order 1987 and shall come into force on 22nd October 1987.

(2) In this Order–

(a) "designated area" means one of the areas described in the Schedule to this Order;

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

(**a**) 1985 c.48.

(**b**) Section 24(1) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which this Order is made.

Designated incident

2. In the opinion of the Secretary of State food in the areas described in the Schedule to this Order, or which is derived from anything in those areas, is or may be 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 reactor situated at Chernobyl in the Ukraine, USSR.

Designated areas

3. The areas described in the Schedule to this Order are hereby designated for the purposes of Part I of the Food and Environment Protection Act 1985.

Activities prohibited in the designated areas

4.—(1) No person shall in any of the designated areas 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–

(a) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark; or

(b) any sheep which–

(i) was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark, or

(ii) was moved on or after 28th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act 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.

Restrictions on movement

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

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

(a) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark;

(b) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark;

(c) any sheep which was moved on or after 28th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue mark.

Restrictions throughout the United Kingdom

6.—(1) No person shall in the United Kingdom–

(a) slaughter for human consumption or for use in the preparation of feeding stuffs any sheep which was in a designated area at any time after 8th July 1987; 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 a designated area at any time after 8th July 1987.

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

(a) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with an apricot mark; or

(b) any sheep which–

(i) was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green mark, or

(ii) was moved on or after 28th September 1987 from any place in accordance with a consent given under section 2(1) of the said Act 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 Food Protection (Emergency Prohibitions) Order 1987(**a**), the Food Protection (Emergency Prohibitions) Amendment Order 1987(**b**) and the Food Protection (Emergency Prohibitions) Amendment No.2 Order 1987(**c**) are hereby revoked.

W. A. P. Weatherston
Under Secretary,
Scottish Office

New St. Andrew's House, Edinburgh
21st October 1987

(**a**) S.I. 1987/1165.
(**b**) S.I. 1987/1567.
(**c**) S.I. 1987/1696.

SCHEDULE

Article 3

THE DESIGNATED AREAS

Dumfries and Galloway

1. The area of land within Nithsdale District comprising that part of the Parish of Ruthwell bounded as follows:–

On the north-west and north from the point where the Black Grain Burn meets the Lochar Water running in an easterly direction along the Black Grain Burn and the Kirkshiel Burn until it meets the western boundary of Stragglingwath Plantation; on or towards the east by the ditch leading to Longbridgemuir, the Longbridgemuir access road to Peter's Plantation and along the line of the watercourse southwards to Dockridding Wood; on or towards the southwest and south in a north-westerly and westerly direction by the northern boundary of Dockridding Wood until it meets the Willow Burn; on the east in a southerly direction by the Willow Burn until it meets the eastern boundary of Cockpool Plantation and on the south by the northern boundary of Cockpool Plantation in a westerly direction until it meets the eastern boundary of Longbridgemuir Plantation; then in a westerly direction by the southern boundary of Longbridgemuir Plantation to the point national grid reference NY046681; then in a south-westerly direction to the point national grid reference NY042673 on Lochar Water; on the south-west and west in a northerly direction by the Lochar Water until it meets the Black Grain Burn.

2. The area of land within Nithsdale District comprising that part of the Parish of New Abbey bounded as follows:–

On the north by the Glensone Burn running in an easterly direction until it meets the weir below the junction of the Glensone Burn and the Kinharvie Burn; on the east by the Kinharvie Plantation and the Kinharvie Burn running in a southerly direction until Hawkhill; on the south by Hayfield Knowe, part of the Kinharvie Plantation, in a westerly direction until the Cullendeugh Plantation; and on the west running in a north-westerly direction by the Cullendeugh Plantation and the Drungans Plantation until the Drungans Plantation meets the Glensone Burn.

3. The area of land within Stewartry District comprising that part of the Parish of Kirkgunzeon bounded as follows:–

On the north-west by the fence from Bargrug Cottage in a north-easterly direction to Bargrug Plantation; on the west and south by the eastern and northern boundaries of Bargrug Plantation and then in a westerly direction to the point national grid reference NX865637 on the unclassified road from Congeith to Auchenskeoch Lodge; on the west in a northerly direction along the said unclassified road to the point national grid reference NX865642 and then on the south in a north-westerly direction by the ditch leading to Kirkgunzeon Lane; on the north-west and north by Kirkgunzeon Lane in a north-easterly direction until Mossfoot bridge; and then in a north-easterly direction along the Road A711 to Toll Bar Cottage; on the east by the Glaisters Burn running in a southerly direction until it meets Plascow Rig Plantation and then on the east following generally the western boundary of Plascow Rig Plantation until it meets the unclassified road from Congeith to Auchenskeoch Lodge; and on the south-west by the unclassified road running in a north-westerly direction until Bargrug Cottage.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and substantially re-enacts the provisions of the Food Protection (Emergency Prohibitions) Order 1987, as amended.

This Order continues the emergency prohibitions imposed by that Order restricting various activities in order to prevent human consumption of food rendered unsuitable for that purpose in consequence of the escape in April 1986 of radioactive substances from a nuclear reactor situated at Chernobyl in the Ukraine, USSR.

The Order designates again areas in Scotland affected by the escape from which the movement of sheep and in which the slaughter of sheep are prohibited (articles 3, 4(1) and 5(1) and the Schedule). Restrictions on the slaughter of sheep from the designated areas, and the supply of meat derived from such sheep, extend throughout the United Kingdom (article 6(1)).

The Order continues the following exceptions to the prohibitions referred to in articles 4, 5 and 6:–

(a) an exception from the said prohibition on slaughter in any of the designated areas in respect of–

  (i) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 which consent was subject to the condition that the sheep to which it applies should be marked with an apricot paint mark (article 4(2)(a));

  (ii) any sheep which was moved from any place on or after 7th September 1987 or on or after 28th September 1987 in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green paint mark or with a blue paint mark respectively and which in either case has been examined and marked with an ear-tag by a person authorised 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 4(2)(b));

(b) an exception from the said prohibition on movement in respect of any sheep which

  (i) was moved on or after 7th September 1987, in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with an apricot paint mark or with a green paint mark; (article 5(2)(a) and (b));

  (ii) was moved on or after 28th September 1987 in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a blue paint mark; (article 5(2)(c));

(c) an exception from the said prohibition on slaughter, and from the said prohibition on supply of meat in respect of–

  (i) any sheep which was moved on or after 7th September 1987 from any place in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 which consent was subject to the condition that the sheep to which it applies should be marked with an apricot paint mark (article 6(2)(a));

  (ii) any sheep which was moved from any place on or after 7th September 1987 or on or after 28th September 1987 in accordance with a consent given under section 2(1) of the said Act which consent was subject to the condition that the sheep to which it applies should be marked with a green paint mark or with a blue paint mark respectively and which in either case has been examined and marked with an ear-tag by a person authorised 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)(b));

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 1985 Act. Under paragraph 10 of that Schedule obstruction of enforcement officers is an offence.

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