1994 No. 204

PUBLIC HEALTH

Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1994

Made	*1st June 1994*
Coming into operation . .	*1st June 1994*

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(1) and 24(3) of the Food and Environment Protection Act 1985(**a**) and of every other power 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 or may be in the future in the area described in the Schedule 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, hereby makes the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1994 and shall come into operation on 1st June 1994.

(2) In this Order—

(*a*) ''designated area'' means the stretch of the Strule River and the Mourne River described in the Schedule;

(*b*) ''fish'' includes eels;

(*c*) ''the Act'' means the Food and Environment Protection Act 1985;

(*d*) ''the Department'' means the Department of Agriculture.

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

Designated circumstances

2. In the opinion of the Department, food which is or may be in the future derived from fish in the area described in the Schedule is, or may be, or may become unsuitable for human consumption in consequence of the spillage of wood preservative into the Strule River in County Tyrone.

(**a**) 1985 c. 48 as amended by the Food Safety Act 1990 (c. 16). *See also* section 25(2) 1985 c. 48
(**b**) 1954 c. 33 (N.I.)

Designated area

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

Activities prohibited in the designated area

4. In the designated area a person shall not—

(*a*) prepare or process for supply to purchasers or others any food or feedingstuff from which food could be derived, being in each case food or feedingstuff derived from fish that were in the designated area on or after 1st June 1994; or

(*b*) fish for or take fish intended for human consumption.

Prohibitions on movement

5. A person shall not move out of the designated area any fish or any food or feedingstuff from which food could be derived, being in each case food or feedingstuff derived from fish.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 1st June 1994.

(L.S.) *D. A. J. Hirrell*
Assistant Secretary

SCHEDULE Article 3

The designated area

The stretch of the Strule River from the downstream face of Abbey Bridge in Omagh town downstream to the junction with the Derg river where the river becomes known as the Mourne River and downstream to its confluence with the river Finn including the fish ponds and associated premises being the fish farm owned and occupied by Rocks Lodge Trout Farm Ltd situated at 24 Bunderg Road, Newtownstewart in County Tyrone.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order contains emergency prohibitions on various activities in order to prevent human consumption of fish or food which is derived from fish originating in the designated area and which has been or may have been rendered unsuitable for human consumption in consequence of the spillage of wood preservative into the Strule River in County Tyrone.

The designated area is described (Article 3 and the Schedule). Within this area the preparation, packaging or processing of food or feedingstuff derived from fish that were in the designated area on or after 1st June 1994 is prohibited. Fishing for or taking fish is also prohibited where the fish are intended for human consumption (Article 4). Movement out of the designated area of fish or any food or feedingstuff derived from fish is prohibited (Article 5).

Any person who contravenes the provisions of this Order is guilty of an offence and is liable, on summary conviction, to a fine not exceeding £2,000 or on conviction on indictment to a fine or to imprisonment for a term of not more than 2 years or to both.