
SUBSIDIARY LEGISLATION

ENVIRONMENT

The Deposits in the Sea (Exemptions) Order 1995

(S. R. & O. No: 12 of 1995)

Made: 28th July 1995

Published: 31st July 1995

Coming into force: 1st August 1995

IN EXERCISE of my powers under section 5(1) of the Marine Environment (Protection) Ordinance 1995 (a), section 32 of the Interpretation and General Clauses Ordinance 1977 (b) and all other powers enabling me in that behalf, I make the following Order -

Title, commencement and interpretation.

1.(1) This Order may be cited as the Deposits in the Sea (Exemptions) Order 1995 and shall come into force on 1st August 1995 or the date (if different) upon which the Marine Environment (Protection) Ordinance 1995 comes into force under the provisions of section 1 thereof, whichever is the later.

Exemptions.

2. A licence is not needed -

- (a) for an operation specified in the Schedule to this Order which satisfies the conditions (if any) specified therein in relation to the operation; or
- (b) for the loading of a vehicle, vessel, aircraft, hovercraft, marine structure or floating container in the Falkland Islands or Falkland Islands waters with substances or articles for deposit in the sea or under the sea-bed in the course of an operation specified in that Schedule which satisfies the conditions (if any) specified therein.

(a) No. 9 of 1995.

(b) No. 14 of 1977 (s.32 of that Ordinance enable subsidiary legislation under an Ordinance which has not come into operation to be made at any time after the Ordinance has been assented to, provided that the subsidiary legislation cannot come into force until the Ordinance does).

SCHEDULE

Article 2

OPERATIONS NOT NEEDING A LICENCE

1. Deposit from a vessel, hovercraft or marine structure of sewage originating on the vessel, hovercraft or marine structure.
2. Deposit from, or incineration on, a vessel, hovercraft or marine structure of garbage originating in on or the vessel, hovercraft or marine structure; and for this purpose "garbage" means any kind of victual or domestic waste, but does not include any bulky or industrial waste.
3. Deposit from a vessel of cooling water and of ballast water, tank washings or other residues resulting from tank cleaning or tank ballasting after carriage of any substance other than a substance deposited or incinerated in pursuance of a licence.
4. Deposit from a vessel or marine structure of any oil or mixture containing oil in such manner or in such circumstances as to constitute a discharge -
 - (a) of a kind to which section 3 of the Prevention of Oil Pollution Act 1971 applies; or
 - (b) of a kind for the time being regulated under section 20 of the Merchant Shipping Act 1979.
5. Deposit of cable and associated equipment (otherwise than for the purpose of disposal) in the course of cable laying or cable maintenance.
6. Deposit of any substance from a vessel, vehicle, aircraft, hovercraft or marine structure for the purpose of fighting any fire or preventing the spread of any fire.
7. Deposit of fishing gear (whether fixed or not) otherwise than for the purpose of disposal.
8. Deposit (by way of return to the sea) of fish or shellfish or parts thereof in the course of fishing operations or fish processing at sea.
9. Deposit (by way of return to the sea) of fishing vessel of any article (other than a fish or shellfish) taken from the sea by the vessel in the course of normal fishing operations.
10. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of, for the purpose of, or in connection with, the propagation or cultivation of fish or shellfish.
11. Deposit (by way of return to the sea) of any substance or article dredged from the sea-bed in connection with the propagation or cultivation of shellfish.

12. Deposit from a vessel, hovercraft or marine structure of any substance or article (other than bulky waste) in the course of the normal navigation or maintenance thereof.
13. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of salvage operations.
14. Deposit on the site of drilling for, or production of, oil or gas of any chemicals, drill cuttings or drilling muds in the course of such drilling or production.
15. Deposit under the sea-bed on the site of drilling for, or production of, oil or gas of any substance or article in the course of such drilling or production.
16. Incineration of hydrocarbons resulting from the exploration for, or production of, oil or gas.
17. Deposit on the site of dredging for aggregates or other minerals of any substance or article taken from the sea in the course of such dredging.
18. Deposit in the normal course of operation of a dredging vessel of waters overflowing from the hold of the vessel.
19. Deposit of any article in connection with the provision of moorings or aids to navigation -
 - (a) by a harbour authority or lighthouse authority; or
 - (b) by any other person, if the consent of a harbour authority or lighthouse authority is required.
20. Deposit of any article or substance in the maintenance of harbour, coast protection (other than beach replenishment), drainage or flood control works, if made on the site of the works.
21. Deposit for the purpose of treating oil on the surface of the sea or any substance produced for that purpose subject to the conditions -
 - (a) that the substance is a substance the use of which is for the time being approved by the licensing authority;
 - (b) that the substance is used in accordance with any conditions to which the approval was subject; and
 - (c) that no deposit is made in an area of the sea of a depth of less than 20 metres or within one mile of any such area save with the approval of the licensing authority.
22. Deposit of any equipment for the purpose of controlling, containing or recovering oil, mixtures containing oil, flotsam or algal blooms on or near to the surface of the sea.
23. Deposit of any scientific instrument or associated equipment (otherwise than for the

purpose of disposal) in connection with scientific experiment or survey.

24. Launching of vessels or marine structures.

25. Deposit under the sea-bed of any substance or article (otherwise than for the purpose of disposal) in connection with the construction or operation of a bored tunnel subject to the conditions -

(a) that notice of intention to construct the tunnel is first given to the licensing authority; and

(b) that the approval of the licensing authority is first obtained to the doing of anything which might disturb the marine environment or the living resources which it supports.

Made the 28th day of July 1995.

A. M. GURR,
Acting Governor.

EXPLANATORY NOTE
(not forming part of above Order)

This Marine Environment (Protection) Ordinance 1995 deals with licensing for deposits in the sea. Sections 3 and 4 of that Ordinance provide that a licence is needed for the deposit of substances and articles and for incineration at sea. Section 5 enables the Governor to make an Order exempting specified operations from the licensing requirement. This Order exempts specified operations from the licensing requirements under sections 3 and 4 of the Ordinance.