



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII

MISCELLANEOUS

Pollution at sea

146 Deposits of substances and articles in the sea, etc

- (1) Part II of the Food and Environment Protection Act 1985 (under which licences are required for deposits by British vessels etc at sea anywhere or by foreign vessels etc in United Kingdom waters or, in certain circumstances, within British fishery limits) shall be amended as follows.
- (2) In section 5 (licences for depositing at sea)—
 - (a) in paragraph (a), after the words “United Kingdom waters” there shall be inserted the words “or United Kingdom controlled waters”;
 - (b) paragraphs (c) and (d) shall be omitted;
 - (c) in paragraph (e)—
 - (i) in sub-paragraph (i), after the words “United Kingdom waters” there shall be inserted the words “or United Kingdom controlled waters” and at the end there shall be inserted the word “or”; and
 - (ii) sub-paragraph (iii) shall be omitted.
- (3) In section 6 (licences for incineration at sea), in subsection (1)(a)—
 - (a) in sub-paragraph (i), after the words “United Kingdom waters” there shall be inserted the words “or United Kingdom controlled waters” and at the end there shall be inserted the word “or”; and
 - (b) sub-paragraph (iii) shall be omitted.
- (4) In section 9(5) (Convention State defence to offence of acting without or in contravention of a licence), in paragraph (b), for the word “waters” there shall be substituted the words “controlled waters (and not within United Kingdom waters)”.

- (5) In section 11 (powers of officers)—
- (a) in subsection (2)(b), for the words “British fishery limits” there shall be substituted the words “United Kingdom waters or United Kingdom controlled waters;”; and
 - (b) in subsection (3)(a), for the words “British fishery limits” there shall be substituted the words “United Kingdom waters or United Kingdom controlled waters;”.
- (6) In section 21 (penalties for offences)—
- (a) in subsection (2), for the words “2(4) and 9(1)” there shall be substituted the words “and 2(4)”; and
 - (b) after that subsection, there shall be inserted the following subsection—

“(2A) A person guilty of an offence under section 9(1) shall be liable—

 - (a) on summary conviction, to a fine of an amount not exceeding £50,000; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.”
- (7) In section 24(1) (definitions) at the end of the definition of “United Kingdom waters” there shall be inserted the words “and “United Kingdom controlled waters” means any part of the sea within the limits of an area designated under section 1(7) of the Continental Shelf Act 1964”.
- (8) In Schedule 2 (powers in relation to vessels, aircraft, etc. for the purposes of Part I or Part II or both Parts of the Act), in paragraph 3(3) (removal to United Kingdom), after the words “Part I” there shall be inserted the words “or II”.

147 Public registers relating to deposits in the sea and incineration at sea

In Part II of the Food and Environment Protection Act 1985, for section 14 (registers of licences) there shall be substituted the following section—

“14 Duty of licensing authority to keep public registers of information

- (1) It shall be the duty of each licensing authority, as respects licences for which it is the licensing authority, to maintain, in accordance with regulations, a register containing prescribed particulars of or relating to—
- (a) applications for licences made to that authority;
 - (b) the licences issued by that authority;
 - (c) variations of licences effected by that authority;
 - (d) revocations of licences effected by that authority;
 - (e) convictions for any offences under section 9 above;
 - (f) information obtained or furnished in pursuance of section 8(3), (4) or (5) above;
 - (g) the occasions on which either of the Ministers has carried out any operation under section 10 above; and
 - (h) such other matters relating to operations for which licences are needed under this Part of this Act as may be prescribed.

- (2) No information shall be included in any register which, in the opinion of either of the Ministers, is such that its disclosure on the register—
 - (a) would be contrary to the interests of national security, or
 - (b) would prejudice to an unreasonable degree some person's commercial interests.
- (3) Information excluded from a register by virtue of subsection (2)(b) above shall be treated as ceasing to prejudice a person's commercial interests at the expiry of the period of four years beginning with the date on which the Minister made his decision under that subsection; but, on the application of any person to whom it relates, the Minister shall decide whether the information should be included or continue to be excluded from the register.
- (4) Where information of any description is excluded from a register by virtue of subsection (2)(b) above, a statement shall be entered in the register indicating the existence of information of that description.
- (5) It shall be the duty of each licensing authority—
 - (a) to secure that the register maintained by the authority under this section is available, at all reasonable times, for inspection by the public free of charge; and
 - (b) to afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges.
- (6) Registers under this section may be kept in any form.
- (7) In this section “prescribed” means prescribed in regulations.
- (8) Either of the Ministers may exercise any power to make regulations under this section and any such power shall be exercisable by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.”

148 Oil pollution from ships

- (1) Schedule 14 to this Act (which amends the provisions of the Prevention of Oil Pollution Act 1971) shall have effect.
- (2) Without prejudice to the generality of subsections (1), (3) and (4) of section 20 of the Merchant Shipping Act 1979, an Order under subsection (1) of that section may make in connection with offences created by or under any such Order provision corresponding to that made in connection with offences under section 2(2A) of the Prevention of Oil Pollution Act 1971 by any provision of—
 - (a) section 19(4A) of that Act, and
 - (b) sections 19A and 20 of that Act,and may do so whether by applying (or making provision for the application of) any of those provisions, subject to such modifications as may be specified by or under the Order, or otherwise.
- (3) This section (and Schedule 14) shall not apply in relation to any offence committed before this section comes into force.