

2010 No. 304

MARINE POLLUTION, ENGLAND AND WALES

The Deposits in the Sea (Exemptions) (Amendment) (England and Wales) Order 2010

Made - - - - *9th February 2010*
Laid before Parliament *15th February 2010*
Laid before the National Assembly for Wales *15th February 2010*
Coming into force - - *6th April 2010*

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, in accordance with section 7(3A)(a) of the Food and Environment Protection Act 1985(a), have consulted with the Food Standards Agency as to the making of this Order.

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, in exercise of the powers conferred by section 7 of that Act (b), make the following Order:

Citation and commencement

1. This Order may be cited as the Deposits in the Sea (Exemptions) (Amendment) (England and Wales) Order 2010 and comes into force on 6th April 2010.

Extent

2. This Order extends to England and Wales only.

Amendment to the Deposits in the Sea (Exemptions) Order 1985

3.—(1) The Deposits in the Sea (Exemptions) Order 1985(c) is amended as follows.

(2) In paragraph 5 of the Schedule, at the end add—

“, other than the deposit (in the course of its laying) of a cable transmitting a charge of 132 kilovolts or more, and associated equipment, for the purpose of transmitting electricity from a generating station constructed on the sea bed”.

(a) 1985, c.48.

(b) Section 7 was amended by paragraph 10(1) and (7) of the Schedule to S.I. 1999/1756 and by paragraph 16(3) of Schedule 3 to the Food Standards Act 1999 (c.28). See section 24 of the Food and Environment Protection Act 1985 for the definition of “licensing authority”. This definition was substituted by paragraph 10(1) and 11(b) of S.I. 1999/1756. The functions of Ministers, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order (S.I. 1999/1672) except insofar as exercisable in relation to matters concerning or arising from the exploration for, or production of, petroleum. Those functions are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(c) S.I. 1985/1699, to which there are amendments not relevant to this Order.

8th February 2010

Huw Irranca-Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

9th February 2010

Jane Davidson
Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Deposits in the Sea (Exemptions) Order 1985 (“the principal Order”). This Order extends to England and Wales only.

The principal Order specifies certain exemptions from the requirement for a licence under Part 2 of the Food and Environment Protection Act 1985 (c.48) in respect of deposits in the sea.

Article 3 amends the exemption relating to the deposit of cable and associated equipment, so as to remove the exemption from the requirement for a licence under section 5 of the Food and Environment Protection Act 1985 in respect of the deposit (in the course of its laying) of any cable transmitting a charge of 132 kilovolts or more (or associated equipment), for the purpose of transmitting electricity from an offshore generating station.

The Order will also remove the exemption in article 3(b) of the principal Order (the exemption from the requirement for a licence for the loading of vehicles with substances or articles for deposit in the sea or on the sea bed in the course of depositing any such cable).

An impact assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.

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