



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART II

DEPOSITS IN THE SEA

Miscellaneous

13 Powers of Ministers to test and to charge for testing.

- (1) At the request of any person either of the Ministers may conduct tests for the purpose of ascertaining the probable effect on the marine environment and the living resources which it supports of using for the purpose of treating oil on the surface of the sea any substance produced for that purpose.
- (2) If either of the Ministers conducts any tests under this section, he may recover any expenses reasonably incurred by him in conducting them from any person at whose request they were conducted.

Modifications etc. (not altering text)

- C1** S. 13 power to transfer functions conferred (1.12.1998) by 1998 c. 38, s. 22(1)(c)(5), **Sch. 3 Pt. I, para. 4(1)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 3**
- C2** S. 13 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by **Wales Act 2017 (c. 4)**, s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

[^{F1}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.]

Textual Amendments

F1 S. 14 substituted (31.5.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 147, S.I. 1991/1319, art.2

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

Modifications etc. (not altering text)

- C3** S. 14 extended (with modifications) (22.8.1997) by S.I. 1997/1770, **art. 3**
C4 S. 14 extended (with modifications) (22.8.1997) by S.I. 1997/1771, **art. 3**
C5 S. 14 power to transfer functions conferred (1.12.1998) by 1998 c. 38, s. 22(1)(c)(5), **Sch. 3 Pt. I**, para. 4(1)(a) (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 2**

15 Repeal of Dumping at Sea Act 1974, consequential amendments and transitional provisions.

- (1) The ^{M1}Dumping at Sea Act 1974 is hereby repealed.
- (2) Notwithstanding that repeal, Her Majesty’s Government in the United Kingdom may continue to make payments to the international organisations.
- (3) In each of the enactments to which this subsection applies for the words “the Dumping at Sea Act 1974” there shall be substituted the words “Part II of the Food and Environment Protection Act 1985”.
- (4) The enactments to which subsection (3) above applies are—
[^{F2}(a) sections 31(2)(b)(iii) and 32(4)(b) of the Control of Pollution Act ^{M2} 1974;]
^{F3}(b)
(c) section 16 of the ^{M3}Deep Sea Mining (Temporary Provisions) Act 1981.
- (5) In section 18 of the ^{M4}Offshore Petroleum Development (Scotland) Act 1975—
(a) paragraph (h) shall cease to have effect; and
(b) the following paragraph shall be added after paragraph (i)—
“(j) Part II of the Food and Environment Protection Act 1985.”.
- (6) The following paragraph shall be substituted for section 42(1)(d) of the ^{M5}Local Government (Miscellaneous Provisions) Act 1976—
“(d) Part II of the Food and Environment Protection Act 1985 (which relates to deposits in the sea).”.
- (7) Without prejudice to section 17(2) of the ^{M6}Interpretation Act 1978 (repeal and re-enactment) any licence under the Dumping at Sea Act 1974 which is in force immediately before the commencement of this Part of this Act—
(a) shall have effect as from the commencement of this Part of this Act as if granted under this Part of this Act; and
(b) in the case of a licence for a specified period, shall remain in force, subject to the provisions of this Part of this Act, for so much of that period as falls after the commencement of this Part of this Act.

Textual Amendments

- F2** S. 15(4)(a) repealed (E.W.) by **Water Act 1989 (c. 15, SIF 130)**, s. 190(3), **Sch. 27 Pt. I**, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
F3 S. 15 (4)(b) repealed (15.2.1999) by 1998 c. 17, s. 51, **Sch. 5 Pt. I** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2(1)**

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

Modifications etc. (not altering text)

- C6** S. 15 power to transfer functions conferred (1.12.1998) by 1998 c. 38, s. 22(1)(c)(5), **Sch. 3 Pt. I**, para. 4(1)(a) (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 2**

Marginal Citations

- M1** 1974 c. 20.
M2 1974 c. 40.
M3 1981 c. 53.
M4 1975 c. 8.
M5 1976 c. 57.
M6 1978 c. 30.

Changes to legislation:

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