



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART II

DEPOSITS IN THE SEA

Offences relating to licensing system etc.

9 Offences relating to licensing system.

- (1) Subject to subsections (3) [^{F1}, (4)]^{F2} and (8)]below, a person who—
- (a) except in pursuance of a licence and in accordance with its provisions, does anything for which a licence is needed; or
 - (b) causes or permits any other person to do any such thing except in pursuance of a licence and in accordance with its provisions,
- shall be guilty of an offence.
- (2) A person who for the purpose of procuring the issue of a licence, or in purporting to carry out any duty imposed on him by the provisions of a licence—
- (a) makes a statement which he knows to be false in a material particular;
 - (b) recklessly makes a statement which is false in a material particular; or
 - (c) intentionally fails to disclose any material particular,
- shall be guilty of an offence.
- (3) Subject to subsection (4) below, it shall be a defence for a person charged with an offence under subsection (1) above in relation to any operation to prove—
- (a) that the operation was carried out for the purpose of securing the safety of a vessel, aircraft, hovercraft or marine structure or of saving life; and
 - (b) that he took steps within a reasonable time to inform one or other of the Ministers—
 - (i) of the operation;

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 9. (See end of Document for details)

- (ii) of the locality and circumstances in which it took place; and
(iii) of any substances or articles concerned.
- (4) A person does not have the defence provided by subsection (3) above if the court is satisfied—
- (a) that the operation—
- (i) was not necessary for any purpose mentioned in paragraph (a) of that subsection; and
- (ii) was not a reasonable step to take in the circumstances; or
- (b) that it was necessary for one of those purposes but the necessity was due to the fault of the defendant.
- ^{F3}(5)
- ^{F3}(6)
- ^{F3}(7)
- [^{F4}(8) It shall be a defence for a person charged with an offence under subsection (1) in relation to any operation to prove that—
- (a) for the purposes of [^{F5}Part 10 of Schedule 3A of the Communications Act 2003 (the electronic communications code)] (undertaker's works), the person is the operator or a relevant undertaker, and
- (b) the activity was carried out for the purpose of executing emergency works, within the meaning of that code.
- ^{F6} ...]

Textual Amendments

- F1** Word in s. 9(1) substituted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 2(6)(a)** (with ss. 111, 323(6), Sch. 9 Pts. 3); S.I. 2011/556, art. 3(2)(a)
- F2** Words in s. 9(1) inserted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 6(2)** (with ss. 111, 323(6)); S.I. 2011/556, art. 3(2)(a)
- F3** S. 9(5)-(7) repealed (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 8 para. 2(6)(b), **Sch. 22 Pt. 2** (with ss. 111, 323(6), Sch. 9 Pts. 3); S.I. 2011/556, art. 3(2)(a)(d)
- F4** S. 9(8) inserted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 6(3)** (with ss. 111, 323(6)); S.I. 2011/556, art. 3(2)(a)
- F5** Words in s. 9(8)(a) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 23(a)**; S.I. 2017/1286, reg. 2(d)
- F6** Words in s. 9(8) omitted (28.12.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 23(b)**; S.I. 2017/1286, reg. 2(d)

Modifications etc. (not altering text)

- C1** S. 9 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**

Changes to legislation:

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 9.