



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VIII U.K.

#### MISCELLANEOUS

##### *Pollution at sea*

#### 146 Deposits of substances and articles in the sea, etc. U.K.

(1) Part II of the <sup>M1</sup>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.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

(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.”

<sup>F2</sup>(7) .....

*Changes to legislation: Environmental Protection Act 1990, Cross Heading: Pollution at sea is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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”.

#### Textual Amendments

- F1** S. 146(2)-(5) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 2](#); [S.I. 2011/556](#), art. 3(2)(d)
- F2** S. 146(7) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 2](#); [S.I. 2011/556](#), art. 3(2)(d)

#### Marginal Citations

- M1** 1985 c. 48.

### 147 Public registers relating to deposits in the sea and incineration at sea. **U.K.**

In Part II of the <sup>M2</sup>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.

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**Changes to legislation:** Environmental Protection Act 1990, Cross Heading: Pollution at sea is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (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.”

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**Commencement Information**

**I1** S. 147 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, [art. 2](#)

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**Marginal Citations**

**M2** 1985 c. 48.

**F3**148 ..... **U.K.**

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**Textual Amendments**

**F3** S. 148 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), [Sch.12](#) (with savings in s. 312(1) and [Sch. 14 para. 1](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)