

1975 No. 810

DUMPING AT SEA

The Dumping at Sea Act 1974 (Isle of Man) Order 1975

Made - - - - - 14th May 1975

Coming into Operation 1st June 1975

At the Court at Buckingham Palace, the 14th day of May 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 15(3) of the Dumping at Sea Act 1974(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Dumping at Sea Act 1974 (Isle of Man) Order 1975 and shall come into operation on 1st June 1975.
2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The Dumping at Sea Act 1974 shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh.

(a) 1974 c. 20.

(b) 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE
DUMPING AT SEA ACT 1974

1. Save when the context otherwise requires, any reference to the Dumping at Sea Act 1974 or any other enactment, or any provision thereof, shall be construed as a reference thereto as it has effect in the Isle of Man.
2. For any references to the United Kingdom, except in the expression “Her Majesty’s Government in the United Kingdom”, there shall be substituted a reference to the Isle of Man.
3. Subject as hereinafter provided, for any reference to a licensing authority there shall be substituted a reference to the Board.
4. In section 1(1) there shall be inserted after the words “licence granted” the words “by the Board”.
5. In section 1(1) in paragraph (b) for the words after “British ship” there shall be substituted the words “Manx hovercraft or Manx marine structure; or”.
6. For section 1(5) there shall be substituted the following provision:—

“(5) A deposit made by or on behalf of the Board does not constitute dumping for the purposes of this Act.”.
7. In section 1(6) in paragraph (b) for the word “indictment” there shall be substituted the word “information”.
8. In section 1(7) in paragraph (b) for the word “Minister” there shall be substituted the word “Board”.
9. In section 1(9) for the words “aircraft or” there shall be substituted the words “or Manx”.
10. In section 2(4) and (6) for the word “Treasury” there shall be substituted the words “Isle of Man Finance Board”.
11. After section 3(1) there shall be inserted the following subsection:—

“(1A) The Board shall, at the same time as it notifies the applicant for or the holder of the licence under subsection (1) above, notify the Lieutenant-Governor of its proposal and of the reasons for it.”.
12. In section 3 in subsections (2), (3), (4) and (5) for references to a licensing authority there shall be substituted references to the Lieutenant-Governor.
13. Section 3(12) to (14) shall be omitted.
14. In section 4(1) for the word “Treasury” there shall be substituted the words “Isle of Man Finance Board”.
15. In section 5(1) the words “with the consent of the Minister for the Civil Service as to numbers” shall be omitted.
16. In section 5(5)—
 - (a) in paragraph (c) for the words after “British Ships,” there shall be substituted the words “Manx hovercraft and Manx marine structures wherever they may be”;
 - (b) at the end there shall be inserted the words—

“and in the case of Manx hovercraft and Manx marine structures the expression “British enforcement officer” shall include such an officer appointed under this section as it has effect in the United Kingdom.”.
17. In section 6(1)(b) in sub-paragraph (i) there shall be inserted before the word “hovercraft” the word “Manx”.

18. In section 7 at the end there shall be inserted the following subsection:—

“(4) In this and the next succeeding section, references to British enforcement officers shall be taken to refer to such officers appointed under this Act as it has effect in the United Kingdom or the Isle of Man and references to British or foreign enforcement officers shall be taken to refer to such officers whether acting in pursuance of this Act as it has effect in the United Kingdom or the Isle of Man.”.

19. Section 9(3) shall be omitted.

20. In section 10 for subsection (1) there shall be substituted the following subsection:—

“(1) The powers conferred by sub-sections (7) to (10) of section 5 above shall be exercisable, with the consent of the Lieutenant-Governor, in relation to land in respect of which the government of the Isle of Man has any interest but in which there is also an interest held otherwise than by or on behalf of that government.”.

21. Section 10(2) shall be omitted.

22. Section 11(1) and (2) shall be omitted.

23. In section 11(3) the word “also” shall be omitted and for the word “Parliament” there shall be substituted the word “Tynwald” and the words “and not mentioned in subsection (1) or (2) above” shall be omitted.

24. In section 11(4) for the words “Consolidated Fund” there shall be substituted the words “general revenue of the Isle of Man”.

25. In section 12(1)—

(a) the definitions of “British aircraft”, “British hovercraft”, “British marine structure”, “government department”, “licensing authority” and “United Kingdom waters” shall be omitted.

(b) for the definition of “British ship” there shall be substituted the following definition:—

‘ “British ship” means a vessel registered in the Isle of Man under the Merchant Shipping Act 1894 or under any Act of Tynwald;’

(c) before the definition of “captain” there shall be inserted the following definition:—

‘ “the Board” means the Isle of Man Harbour Board;’

(d) for the definition of “harbour authority” there shall be substituted the following definition:—

‘ “harbour authority” means the Board;’

(e) in the definition of “hovercraft” after the words “1968” there shall be inserted the words “(an Act of Parliament)”;

(f) after the definition of “hovercraft” there shall be inserted the following definition:—

‘ “Isle of Man waters” means any part of the sea within the seaward limits of the territorial waters adjacent to the Isle of Man;’

(g) before the definition of “lighthouse authority” there shall be inserted the following definition:—

‘ “the Lieutenant-Governor” means the Lieutenant-Governor of the Isle of Man and includes a Deputy or Acting Governor or Lieutenant-Governor;’

(h) before the definition of “marine structure” there shall be inserted the following definitions:—

‘ “Manx hovercraft” means a hovercraft, other than a hovercraft registered in the United Kingdom, owned or operated by an individual resident in or a body incorporated under the law of the Isle of Man;

“Manx marine structure” means a marine structure owned by or leased to an individual resident in or a body corporate incorporated under the law of the Isle of Man;’;

(i) in the definition of "Minister" after the word "Food" there shall be inserted the words "of the United Kingdom" and "the Ministry" shall be construed accordingly";

26. In section 13(1) for the words "whether public, local or private" there shall be substituted the words "whether of Parliament or of Tynwald".

27. In section 13(2) after the words "1889" there shall be inserted the words "(an Act of Parliament)".

28. Section 14(2) shall be omitted.

29. Section 15(2) to (4) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Dumping at Sea Act 1974 to the Isle of Man with exceptions, adaptations and modifications.

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