
STATUTORY INSTRUMENTS

1996 No. 1427

MARINE POLLUTION

**The Deposits in the Sea (Public Registers
of Information) Regulations 1996**

<i>Made</i>	- - - -	<i>22nd May 1996</i>
<i>Laid before Parliament</i>		<i>10th June 1996</i>
<i>Coming into force</i>	- -	<i>1st July 1996</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 14(1) and 24(3) of the Food and Environment Protection Act 1985⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Deposits in the Sea (Public Registers of Information) Regulations 1996 and shall come into force on 1st July 1996.

(2) In these Regulations—

“the Act” means the Food and Environment Protection Act 1985;

“licence” means a licence issued by a licensing authority⁽²⁾ under Part II of the Act;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the Secretary of State” means the Secretary of State for Wales.

(3) Any reference in these Regulations to a numbered section is a reference to that section so numbered in the Act.

(4) Any reference in these Regulations to a numbered regulation is a reference to that regulation so numbered in these Regulations.

Registers

2. Registers maintained by the Minister and the Secretary of State shall contain the particulars set out in regulations 3 to 12 as respects licences for which each is the licensing authority.

(1) 1985 c. 48; section 14 was substituted by section 147 of the Environmental Protection Act 1990 (c. 43) which was brought into force by S.I.1991/1319 (c. 36); section 14(7) defines “prescribed”, section 14(8) provides that either of the Ministers may exercise the power to make regulations under section 14 and section 24(1) defines “the Ministers”.

(2) Section 24(1) defines “licensing authority”.

Application for licence to deposit

3. The particulars in relation to an application for a licence to deposit substances or articles either in the sea or under the sea bed shall be—

- (a) the reference number of any current licence together with the date of expiry of the licence and the quantities of substances or articles already deposited pursuant to it;
- (b) the name, address and telephone number of the applicant;
- (c) the name, address and telephone number of the producer of the substances or articles, where known;
- (d) the name, address and telephone number of the persons responsible for the storage and transport of the substances or articles from the date of the application until the date of deposit;
- (e) the dates of commencement and expiry of the licence sought by the applicant;
- (f) the place of production or the source of the substances or articles, where known;
- (g) the method of production of the substances or articles, where known;
- (h) the description, composition and quantity of the substances or articles and, in the case of activities associated with construction at sea, the location and description of the works and the method of construction;
- (i) the name and description of any vehicle, vessel, aircraft, hovercraft, marine structure, floating container, or structure on land from which the deposit is to be made, the maximum cargo, the method of deposit, and the rate of deposit;
- (j) the place from which it is intended that the substances or articles are to be removed to the site of deposit;
- (k) the name and the latitude and longitude of the location at which it is intended that the substances or articles are to be deposited;
- (l) details of any studies of the potential environmental effects of the activities to be licensed supplied with an application and any correspondence relating to the potential environmental effects of the activities to be licensed; and
- (m) details of the practical availability of any alternative methods of disposal, and the reason for seeking to deposit the substances or articles in the sea.

Application for licence to scuttle

4. The particulars in relation to an application for a licence to scuttle a vessel at sea shall be—

- (a) the name, address and the telephone number of the applicant;
- (b) the name, address and telephone number of any agent, contractor or sub-contractor engaged in the proposed scuttling of the vessel;
- (c) the proposed date on which the vessel is to be scuttled;
- (d) the name, the registration number and the country of registration of the vessel;
- (e) a description of any cargo by reference to its composition and quantity;
- (f) a description and specification of the vessel;
- (g) the name and the latitude and longitude of the location of the vessel at the date of the application;
- (h) the name and latitude and longitude of the place from which it is intended to take the vessel to scuttle it;

- (i) the name and the latitude and longitude of the location at which it is intended that the vessel is to be scuttled;
- (j) details of any studies of the potential environmental effects of the activities to be licensed supplied with an application and any correspondence relating to the potential environmental effects of the activities to be licensed; and
- (k) details of the practical availability of any alternative methods of disposal and the reason for seeking to scuttle the vessel in the sea.

Application for licence to incinerate

5. The particulars in relation to an application for a licence to incinerate substances or articles at sea shall be the same as those specified in regulation 3 save that—

- (a) in regulation 3(a) and (k), for the word “deposited”, there shall be substituted the word “incinerated”;
- (b) in regulation 3(d) and (j), for the word “deposit”, there shall be substituted the word “incineration”;
- (c) for regulation 3(i), there shall be substituted the following words—
 - “(i) the name and description of any vessel or marine structure on which incineration is to take place, the maximum cargo and the rate of incineration;”;
- (d) in regulation 3(m), for the words “to deposit”, there shall be substituted the words “to incinerate”.

Licence to deposit

6. The particulars in relation to a licence to deposit substances or articles either in the sea or under the sea bed shall be—

- (a) the licence number;
- (b) the name and address of the licence holder;
- (c) the name and address of the producer of the substances or articles, where known;
- (d) the name and address of the persons responsible for the storage and transport of the substances or articles from the date of the application until the date of deposit;
- (e) the dates of commencement and expiry of the licence;
- (f) the intended time and the date of deposit;
- (g) the place of production or the source of the substances or articles, where known;
- (h) the method of production of the substances or articles, where known;
- (i) the description, composition and quantity of the substances or articles and, in the case of activities associated with construction at sea, the location and description of the works and the method of construction;
- (j) the name and description of any vehicle, vessel, aircraft, hovercraft, marine structure, floating container or structure on land from which the deposit is to be made;
- (k) the name and the latitude and longitude of the location at which it is intended that the substances or articles are to be deposited;
- (l) the method of deposit; and
- (m) details of the general and any special conditions attached to the licence.

Licence to scuttle

7. The particulars in relation to a licence to scuttle a vessel at sea shall be—
- (a) the licence number;
 - (b) the name and address of the licence holder;
 - (c) the name and address of the person engaged in the scuttling of the vessel;
 - (d) the dates of commencement and expiry of the licence;
 - (e) the name and registration number of the vessel;
 - (f) the name and the latitude and longitude of the place from which it is intended to take the vessel to scuttle it;
 - (g) the name and the latitude and longitude of the location at which it is intended that the vessel is to be scuttled; and
 - (h) details of the general and any special conditions attached to the licence.

Licence to incinerate

8. The particulars in relation to a licence to incinerate substances or articles at sea shall be the same as those specified in regulation 6 save that—
- (a) in regulation 6(d), (f) and (l), for the word “deposit”, there shall be substituted the word “incineration”;
 - (b) for regulation 6(j), there shall be substituted
“(j) the name and description of any vessel or marine structure on which incineration is to take place;” and
 - (c) in regulation 6(k), for the words “to be deposited”, there shall be substituted the words “to be incinerated”.

Refusal, variation and revocation

- 9.—(1) The particulars in relation to a refusal of a licence shall be—
- (a) a reference to the application;
 - (b) the reason for the refusal; and
 - (c) the date of the refusal.
- (2) The particulars in relation to a variation of a licence shall be—
- (a) the licence number;
 - (b) the reason for the variation;
 - (c) details of the variation of the licence; and
 - (d) the date of the variation.
- (3) The particulars in relation to a refusal of a variation of a licence shall be—
- (a) the licence number;
 - (b) the reason for the refusal; and
 - (c) the date of the refusal.
- (4) The particulars in relation to a revocation of a licence shall be—
- (a) the licence number;
 - (b) the reason for the revocation; and

(c) the date of the revocation.

(5) The particulars in relation to written representations made and notices given under Schedule 3 to the Act shall be—

- (a) the licence number;
- (b) the reason for the inclusion of the relevant provision in the licence;
- (c) details of the written representations;
- (d) a summary of the details of the report prepared by the committee constituted under that Schedule;
- (e) details of the result of the licensing authority's reconsideration.

Convictions for offences

10. The particulars in relation to a conviction for an offence under section 9 shall be—

- (a) the licence number;
- (b) the name and address of the convicted person;
- (c) the date of the offence;
- (d) the reason for the prosecution;
- (e) the court where the case was heard;
- (f) the date of the court hearing; and
- (g) any penalty imposed by the court.

Further information

11.—(1) The particulars in relation to information obtained or furnished in pursuance of section 8(3), (4) or (5) shall be—

- (a) details of any information required pursuant to the provisions included in a licence under section 8(3);
- (b) a summary of data from automatic recording equipment required pursuant to section 8(4)(a)(ii); and
- (c) the results of any examinations and tests carried out under section 8(5).

(2) The particulars in relation to licensed operations shall be the results of any inspections of such operations by the licensing authority.

Operations under section 10

12. The particulars in relation to the occasions on which the Minister or the Secretary of State has carried out an operation under section 10 shall be—

- (a) the licence number;
- (b) the date of any operation;
- (c) the reason for the operation;
- (d) the action taken; and
- (e) any expenses incurred and the amount of any expenses recovered from any person convicted of an offence where the Minister or the Secretary of State has exercised his powers under section 10 of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

22nd May 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the particulars of the matters required by section 14(1) of the Food and Environment Protection Act 1985 (“the Act”) to be contained in the registers of information to be maintained by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales in their capacities as licensing authorities in respect of the deposit of substances or articles in the sea or under the sea bed and the scuttling of vessels.

The registers are to contain particulars of applications for licences (regulations 3 to 5), the issue of licences (regulations 6 to 8), the refusal, variation and revocation of licences (regulation 9), convictions under section 9 of the Act (regulation 10), information obtained or furnished in pursuance of section 8(3), (4) or (5) of the Act, results of inspections of licensed operations (regulation 11), and the occasions on which an operation under section 10 of the Act has been carried out (regulation 12).

The registers are available for inspection at the office of the Minister of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London SW1P 3JR at all reasonable times free of charge. Copies of entries on the registers may be obtained on payment of a reasonable charge.