

SCHEDULE 1

PROVISIONS OF THE DUMPING AT SEA ACT 1974 AS EXTENDED TO THE TERRITORIES SPECIFIED IN SCHEDULE 2 HERETO AND TO THE SOLOMON ISLANDS

Licences

2.—(1) In determining whether to grant a licence the Governor shall have regard to the need to protect the marine environment and the living resources which it supports from any adverse consequences of dumping the substances or articles to which the licence, if granted, will relate; and the Governor shall include in a licence such conditions as appear to him to be necessary or expedient for the protection of that environment and those resources from any such consequences.

(2) The Governor may revoke a licence if it appears to him that the holder is in breach of a condition included in it.

(3) The Governor may vary or revoke a licence if it appears to him that the licence ought to be varied or revoked because of a change of circumstances relating to the marine environment or the living resources which it supports, including a change in scientific knowledge.

(4) The Governor may require an applicant for a licence to pay such fee on applying for it as he may determine.

(5) The Governor may require an applicant to supply such information and permit such examination and sampling of the substances or articles which he desires to dump, or of similar substances or articles, and to supply such information about the method of dumping which he desires to use, as in the opinion of the Governor is necessary to enable him to decide whether a licence should be granted and the conditions which any licence that is granted ought to contain.

(6) The Governor may require an applicant for a licence to pay such amount, in addition to any fee under subsection (4) above, as he may determine, towards the expense of any tests which in the opinion of the Governor are necessary to enable him to decide whether a licence should be granted and the conditions which any licence that is granted ought to contain, and in particular expense incurred in connection with any monitoring to determine the effect that dumping may have or has had on the marine environment and the living resources which it supports.

(7) A licence—

- (a) shall specify the person to whom it is granted;
- (b) shall state whether it is to remain in force until revoked or is to expire at a time specified in the licence;
- (c) shall specify the quantity and description of substances or articles to which it relates; and
- (d) may make different provision as to different descriptions of substances or articles.

(8) The Governor may transfer a licence from the holder to any other person on the application of that person or of the holder, but shall have power to include additional conditions in a licence on transferring it.

(9) Any person who for the purpose of procuring the grant or transfer of a licence, or in purporting to carry out any duty imposed on him as a condition of a licence, knowingly or recklessly makes a false statement or knowingly or recklessly produces, furnishes, signs or otherwise makes use of a document containing a false statement shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(10) A person who on the coming into force of this Act in the Territory is authorised in writing by the Governor to dump substances or articles in the sea may continue to do so, so long as he complies with any conditions subject to which the authorisation is given until the authorisation expires or is revoked, as if the authorisation were a licence under this Act.