

Prevention of Sea Pollution From Land-Based Sources Law 1988 (Translation)

Definitions

1. In this Law:

"convention" means an international convention or any part of it, the subject of which is the regulation of sea pollution

prevention from land-based sources, to which Israel is a party;

"permit" means a permit under this Law;

"the Minister" means the Minister of the Environment;

"sea pollution" includes action or fault in violation of section 2;

"sea" means the Mediterranean, the Red Sea, and the Dead Sea, including their coasts up to the fresh water line;

"land-based sources" means any land source including an affixed marine source and excluding vessels as defined in the

Prevention of Sea Pollution (Dumping of Waste) Law, 1983;

"waste" means substance of any kind or form;

"sewage" means waste disposed of through flow, including sludge and suspended solids.

Prohibitions

2. No person shall dump or cause to flow into the sea waste or sewage from a land-based source, in order to dispose of them in the

sea, directly or indirectly, save under a permit pursuant to this law and the regulations promulgated according to it; provided that a permit

shall not be granted to types of waste or sewage forbidden by regulations according to section 14(a)(1).

Permits Committee

3. (a) The Minister shall appoint a Committee for issuing permits which will include:

(1) a representative of the Minister who shall be the chairman;

(2) a representative of the Minister of Defense;

(3) a representative of the Minister of Health;

(4) a representative of the Minister of Industry and Commerce;

(5) a representative of the Minister of Agriculture;

(6) a representative of the Minister of Tourism;

(7) a representative of the Minister of Transport.

(b) Notice of the appointment and address of the Committee shall be published in Reshumot.

(c) The Committee shall prescribe its working procedures in so far as it is not prescribed under this law; the

Committee may
delegate powers as to particular types of permits to its chairman or to a team from among its members provided that
conditions in a permit
which related to the operation of a port shall be prescribed with the consent of the Minister of Transport.

Report on permits implementation

4. A person who has received a permit shall report, in the prescribed manner, the dumping of waste or flow of
sewage into the sea
respectively.

Inspectors

5. (a) The Minister shall appoint inspectors for the purposes of this Law.

(b) For the purposes of enforcing this Law an inspector may enter any place from which he has reasonable
grounds to believe that
waste is dumped or sewage flows into the sea. However, he shall not enter:

(1) a place used for residence only except under a court order;

(2) a place held by the Defense Forces, except with the permission of the Minister of Defense or whomever he
has
authorized.

(c) When entering a place as described under section (b), an inspector may take samples of any waste or sewage
which may, in his
opinion, cause the pollution of the sea, or which may be used as evidence of an offense according to this Law; the
aforesaid samples may
be tested in a laboratory or treated in any other way.

(d) The Minister of Police may empower an inspector to carry out investigations and searches in order to
prevent or to
discover offenses against this Law; in exercising such power:

(1) the inspector may exercise any power vested in a police officer of the rank of inspector by section 2 of the
Criminal
Procedure (Evidence) Ordinance, and section 3 of that Ordinance shall apply to a statement taken down by him by
virtue of such
power;

(2) for the purpose of section 24(a)(1) of the Criminal Procedures (Arrest and Search) Ordinance (New
Version), 1969,
an inspector shall be considered a police officer.

Penalties

6. (a) A person who contravenes the provisions of section 2 shall be liable to imprisonment for a term of one year or
a fine of
fifty thousand new shekels; and if the offense continues he shall be fined an additional one thousand new shekels for
each day the offense
continues after his conviction.

(b) A person who contravenes any other provision of this Law or any regulation promulgated according to this
Law or a permit
granted pursuant to this Law shall be liable to a fine; and if the offense continues he shall be fined an additional one

hundred new
shekels for each day the offense continues after his conviction.

(c) Wherever an offense under this Law was committed by a corporation, any person serving as an active manager, partner (other than a limited partner), or officer of the corporation responsible for the aforementioned matter when the offense took place shall be charged with the offense, unless he has proven that the offense was committed without his knowledge, and that he has taken all reasonable measures to ensure the fulfillment of this law.

Defense

7. It shall be a good defense in proceedings for an offense under section 2 if it can be proven that the dumping or flow of waste into the sea was necessary due to an accident or damage, or due to a real danger to human life; and that all reasonable measures were undertaken to prevent the dump or flow of waste into the sea.

Complaint

8. A complaint as described under section 68 of the Criminal Procedure Law, 1982 will not be submitted unless:

- (1) the complainant is one of the following:
 - (a) any person -- for an offense that was committed in his private domain or which caused damage to his property;
 - (b) a local authority -- for an offense committed within its jurisdiction;
 - (c) any of the public or professional bodies determined by section 100(3) of the Planning and Building Law, 1965.

- (2) the complainant notified the Minister of his intention to submit a complaint and within 60 days an indictment was not filed by the Attorney General.

- (3) the offense which is the subject of the complaint did not occur within the limits of a port as defined in the Ports Ordinance (New Version), 1971.

Order for cleaning expenses

9. (a) A court that convicted a person of an offense under this Law may, in its sentence, in addition to any other penalty it may impose, order him to pay all or part of the expenses as described hereinafter, whatever the amount, if an application is submitted by the person who incurred them:

- (1) expenses for cleaning the sea, the beach and all objects which were polluted by the dumping of waste or the flow of sewage;
- (2) expenses incurred for locating the waste that was dumped or caused to flow into the sea in order to prevent the spread of the sea pollution and in order to reduce the amount of damage caused.

(b) Where more than one person is convicted of an offense, the court may, in its decision under this section, impose the payment of the expenses on all or some of them, jointly or severally, or it may apportion the sum among them, as it deems proper according to the situation.

(c) Where the court does not give a substantive decision on an application under this section, such fact shall not derogate from the right of the person who incurred the expenses to claim them in an ordinary action.

Destination of fines

10. Fines imposed for an offense under this Law shall be paid to the fund established under section 13 of the Prevention of Sea Water Pollution by Oil Ordinance (New Version), 1980.

Conditioning of licenses

11. The granting of licenses according to the Licensing of Businesses Law, 1968, according to any law for the building or managing of a plant shall be regarded as dependent on fulfilling the provisions of this law.

Saving of laws

12. The provisions of this Law shall not derogate from any other law.

Applicability to State

13. This law shall apply also to the State.

Implementation and regulations

14. (a) The Minister is responsible for the implementation of this Law and he may, with the approval of the Interior and Environmental Committees of the Knesset, promulgate regulations in the following matters:

- (1) types of waste and sewage which may not be dumped or caused to flow into the sea;
- (2) conditions for the issue of permits;
- (3) procedures for the issue, renewal, alteration or cancellation of permits;
- (4) any other matter regarding implementation of this Law.

(b) Regulations according to subsections a(1) and (2) shall be promulgated according to the provisions of Conventions.

(c) The Minister, with the consent of the Minister of Finance and the approval of the Interior and Environmental Committees of the Knesset, may promulgate regulations regarding the imposition of fees for the application for issue of a permit or for its renewal, and regarding the destination of those fees.

Amendment of the Criminal Procedure Law

15. The following shall be added at the end of the second annex to the Criminal Procedure Law (Consolidated Version), 1982:

"14. An offense under section 2 of the Prevention of Sea Pollution from Land Based Sources Law, 1988, subject to the restrictions specified in section 8 of the aforementioned law."

Commencement

16. This Law shall come into force on January 1, 1990.