

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

(Translation)

Definitions

1. In this Law:

"convention" means an international convention the subject of which is the regulation of the dumping of waste into the sea and to which Israel is a party;

"owner" means the owner, charterer or operator of a vessel or aircraft, as well as an agent of any one of them;

"sea" means the territorial waters and inland waters of Israel and any other sea area to which a convention applies;

"vessel" and "Israeli vessel" have the same respective meanings as in the Shipping (Vessels) Law, 1960, and include a marine installation placed in the sea, whether static or floating, and not fixed to the land, but do not include a military vessel or a vessel used in the service of the State otherwise than for commercial purposes;

"aircraft" and "Israeli aircraft" have the same respective meanings as in the Air Navigation Law, 1927, but do not include a State aircraft within the meaning of that Law;

"dumping" means any of the following:

(1) the disposal into the sea of waste from a vessel or aircraft onto which the waste was loaded for the purpose of disposing of it; it does not include the disposal of waste accumulated in consequence of the ordinary operation of the vessel or aircraft and not transported for the purpose of disposal;

(2) the sinking of a vessel or aircraft or any part thereof into the sea;

(3) the burning of waste in the sea or the decomposition thereof by heat in any other manner;

"waste" means matter of any kind, form or description;

"master" has the same meaning as in the Shipping (Seamen) Law, 1975, and "commander" means the aviator responsible for the operation and safety of an aircraft in flight;

"the Minister" means the Minister of the Interior.

Prohibitions

2. (a) No person shall dump any waste from a vessel or aircraft as specified hereunder, save under a permit pursuant to this Law (hereinafter referred to as a "permit"):

(1) An Israeli vessel or aircraft unless the dumping is done in accordance with a convention and under a certificate validly issued under the laws of the country in which it was issued;

(2) a vessel or aircraft loading waste in Israel for the purpose of dumping it;

(3) a vessel in Israeli territorial or inland waters and an aircraft over them.

(b) No person shall load waste onto a vessel or aircraft for the purpose of dumping it into the sea, save under a permit.

(c) No owner, master or commander of a vessel or aircraft referred to in subsection (a) shall allow waste to be dumped from it or to be loaded onto it for the purpose of dumping unless he is satisfied that it is done under a permit.

Permits Issue Committee

3. (a) The Minister shall appoint a Permits Issue Committee with the following composition:

- (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 Transport;
- (6) a representative of the Minister of Tourism.

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

(c) The Committee shall prescribe its work procedure in so far as it is not prescribed by this Law. It may delegate powers as to particular classes of permits to the chairman or to a team from among its members: Provided that conditions of a permit which relate to the operation of a vessel or aircraft shall be prescribed with the consent of the representative of the Minister of Transport.

Report on dumping

4. A person who has received a permit shall report, in the prescribed manner, on its implementation.

Inspector

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

(b) An inspector may enter any vessel, aircraft or other place if there are reasonable grounds for believing that waste is loaded therein for dumping, but he shall not, save under a court order, enter a place used only for residential purposes.

(c) The Minister may empower an inspector to carry out investigations and searches to prevent or discover offenses against this Law; in exercising that power:

- (1) he 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 a power;
- (2) for the purposes of section 24(a)(1) of the Criminal Procedures (Arrest and Sentences) Ordinance (New Version), 1969, an inspector shall be treated as 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 two million shekalim.

(b) A person who contravenes any other provision of this Law or any regulation made or direction issued thereunder shall be liable to a fine.

(c) Where an offense under this Law is committed by a body of persons, every manager, partner (other than limited partner) and responsible official of such body shall also be guilty thereof.

Jurisdiction

7. The courts in Israel shall be competent also to try under this Law a person who contravenes its provisions outside Israel.

Defense of master or commander

8. In the trial of an offense of dumping waste in contravention of the provisions of this Law, it shall be a good defense for the master or commander if he proves:

- (1) that the dumping occurred as a result of a collision in which the vessel or aircraft was involved or
- (2) that it was necessary to dump the waste because of damage or an accident or because of actual danger to human life and if he also proves that he took all reasonable measures to prevent the dumping of the waste.

Liability for expenses of cleansing

9. (a) A court which convicts a person of an offense under this Law may in the sentence, in addition to any penalty it imposes, require him to reimburse the expenses specified hereunder, whatever their amount, if an application therefor has been submitted to it by the person who incurred them:

- (1) the expenses of cleansing the sea, the shore and everything polluted by waste dumped into the sea in committing the offense;
- (2) the cost of localizing the waste dumped into the sea to prevent the sea being polluted by it and to reduce the damage caused.

(b) For the purposes of an appeal and of the collection of the amount awarded, a decision under this section shall be deemed to be a judgment of the same court in a civil action.

(c) Where several persons are convicted of the offense, the court may, by a decision under this section, impose the reimbursement of the expenses on all or part of them, jointly or severally, or apportion the amount among them, as it may deem right in the circumstances of the case.

(d) Where the court does not give a substantive decision on an application under this section, the right of persons who incurred expenses to claim them in an ordinary action shall not be affected thereby.

Application of moneys or fines

10. Fees levied under this Law and fines imposed for an offense thereunder shall be paid into the fund established under section 13 of the Sea Water Pollution by Oil (Prevention) Ordinance, 1980.

Proceedings against master or commander who has left Israel

11. Notwithstanding anything provided in any other law, where a master or commander leaves Israel before the expiration of the period in which proceedings may be taken against him for an offense under this Law, such proceedings may be taken against him at any time within two months from the day on which he first returns to Israel.

Enforcement of payment

12. Where any fine or expenses imposed by a court, in proceedings under this Law, against the owner, master or commander of a vessel or aircraft is or are not paid in due time and in the manner prescribed by it, the court may direct that it shall be collected by way of attachment, seizure and sale of the vessel or aircraft and of its installations, equipment and instruments. This provision shall not affect other powers for the enforcement of payment.

Saving of laws

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

Applicability to State

14. This Law shall apply also to the State.

Implementation and regulations

15. The Minister is charged with the implementation of this Law and may, with the approval of the Home Affairs and Ecology Committee of the Knesset, make regulations as to anything relating to its implementation, including regulations as to:

- (1) kinds of matter which according to a convention it is permitted or forbidden to dump into the sea;
- (2) conditions for the issue of permits;
- (3) procedures for the issue, renewal, alteration and cancellation of permits;
- (4) fees payable upon the submission of an application for a permit or for its renewal.