

# **The Deposits in the Sea (Exemptions) Order 1985 (SI 1985/1699)**

## **MARINE POLLUTION**

Made - 28th October 1985

Laid before Parliament 14th November 1985

Coming into Operation 1st January 1986

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the power conferred on them by section 7 of the Food and Environment Protection Act 1985(a) and of all other powers enabling them in that behalf, hereby make the following order:--

### **Title, commencement and interpretation**

1.--(1) This order may be cited as the Deposits in the Sea (Exemptions) Order 1985 and shall come into operation on 1st January 1986.

1.--(2) In this order "licence" means a licence under Part II of the Food and Environment Protection Act 1985.

### **Extent**

2. This order does not apply to Northern Ireland or to United Kingdom waters adjacent to Northern Ireland.

### **Exemptions**

3. A licence is not needed subject to article 4,--

(a) for an operation specified in the Schedule to this order which satisfies the conditions (if any) specified therein in relation to the operation; or

(b) for the loading of a vehicle, vessel, aircraft, hovercraft, marine structure or floating container in the United Kingdom or United Kingdom waters with substances or articles for deposit in the sea or under the sea-bed in the course of an operation specified in that Schedule which satisfies the conditions (if any) specified therein.

The Waste Management Regulations 1994 (Art 21.--(1)) introduced an amendment to Article 3 of this Schedule to i) include the extra words shown in brown at 3. above and ii) to add the two further Articles 4 and 5 shown in brown below:

### **Provisions relating to exemptions involving waste**

4.--(1) Article 3 only applies to an establishment or undertaking in relation to an operation specified in the Schedule to this Order involving the recovery or disposal of waste if—

(a) it is carrying out—

(i) its own waste disposal at the place of production; or

(ii) waste recovery; and

(b) the type and quantity of waste involved, and the method of disposal or recovery, are consistent with the need to attain the objective of ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without—

(i) risk to water, air, soil, plants or animals; or

(ii) causing nuisance through noise or odours; or

(iii) adversely affecting the countryside or places of special interest.

4.--(2) In this article and in article 5 below, "disposal", "recovery" and "waste" have the meaning given by regulation 1(3) of the Waste Management Licensing Regulations 1994.

### **Registration of establishments and undertakings carrying on exempt operations**

5.--(1) It shall be an offence for an establishment or undertaking to carry on, after 31st December 1994, an exempt activity without being registered with the licensing authority.

5.--(2) It shall be the duty of each licensing authority to establish and maintain a register for the purposes of paragraph (1) above of establishments and undertakings carrying on exempt activities in the area for which it is the licensing authority.

5.--(3) The register shall contain the following particulars in relation to each such establishment or undertaking—

(a) the name and address of the establishment or undertaking;

(b) the activity which constitutes the exempt activity; and

(c) the place where the activity is carried on.

5.--(4) The licensing authority shall enter those particulars in the register in relation to an establishment or undertaking if it receives notice of them in writing or otherwise becomes aware of those particulars.

5.--(5) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

5.--(6) Each licensing authority shall secure that any register maintained by the authority under this article is available, at all reasonable times, for inspection by the public free of charge and shall afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges.

5.--(7) Registers under this article may be kept in any form.

5.--(8) In this article, "exempt activity" means any operation specified in the Schedule to this Order involving the disposal or recovery of waste to which article 3 applies." .

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th October 1985.

Michael Jopling,  
Minister of Agriculture, Fisheries and Food.

George Younger, One of Her Majesty's Principal  
Secretaries of State.  
23rd October 1985.

### **SCHEDULE Article 3**

#### **OPERATIONS NOT NEEDING A LICENCE**

1. Deposit from a vessel, hovercraft or marine structure of sewage originating on the vessel, hovercraft or marine structure.
2. Deposit from, or incineration on, a vessel, hovercraft or marine structure of garbage originating in or on the vessel, hovercraft or marine structure; and for this purpose "garbage" means any kind of victual or domestic waste, but does not include any bulky of industrial waste.
3. Deposit from a vessel of cooling water and of ballast water, tank washings or other residues resulting from tank cleaning or tank ballasting after carriage of any substance other than a substance deposited or incinerated in pursuance of a licence.
4. Deposit from a vessel or marine structure of any oil or mixture containing oil in such manner or in such circumstances as to constitute a discharge-
  - (a) of a kind to which section 3 of the Prevention of Oil Pollution Act 1971 applies, or
  - (b) of a kind for the time being regulated under section 20 of the Merchant Shipping Act 1979.
5. Deposit of cable and associated equipment (otherwise than for the purpose of disposal) in the course of cable laying or cable maintenance.
6. Deposit of any substance from a vessel, vehicle, aircraft, hovercraft or marine structure for the purpose of fighting any fire or preventing the spread of any fire.
7. Deposit of fishing gear (whether fixed or not) otherwise than for the purpose of disposal.
8. Deposit (by way of return to the sea) of fish or shellfish or parts thereof in the course of fishing operations or fish processing at sea.
9. Deposit (by way of return to the sea) by a fishing vessel of any article (other than a fish or shellfish) taken from the sea by the vessel in the course of normal fishing operations.
10. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of, for the purpose of, or in connection with, the propagation or cultivation of fish or shellfish.

11. Deposit (by way of return to the sea) of any substance or article dredged from the sea-bed in connection with the propagation or cultivation of shellfish.

12. Deposit from a vessel, hovercraft or marine structure of any substance or article (other than bulky waste) in the course of the normal navigation or maintenance thereof.

13. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of salvage operations.

The Offshore Chemicals Regulations 2002 (SI 2002 No 1355) introduced an amendment to this Schedule as set out in brown below; these amendments being incorporated in brown at paragraph 14 and the additional paragraph 15A following:

Amendment of the Deposits in the Sea (Exemptions) Order 1985

20. - (1) The Deposits in the Sea (Exemptions) Order 1985 is amended in accordance with the following provisions of this regulation.

(2) In paragraph 14 of the Schedule, the word "chemicals," shall be deleted.

(3) After paragraph 15 of the Schedule, the following paragraph shall be added -

" 15A Deposit for which a permit is required under the Offshore Chemicals Regulations 2002, or for which a permit would be required but for -

(a) the provisions of regulation 3(2) of those Regulations, or

(b) the fact that the deposit (being a deposit made on or after the day on which those Regulations came into force) was made before the prescribed date within the meaning of those Regulations."

14. Deposit on the site of drilling for, or production of, oil or gas of any [chemicals, - deleted see above] drill cuttings or drilling muds in the course of such drilling or production.

15. Deposit under the sea-bed on the site of drilling for, or production of, oil or gas of any substance or article in the course of such drilling or production.

15A. Deposit for which a permit is required under the Offshore Chemicals Regulations 2002, or for which a permit would be required but for -

(a) the provisions of regulation 3(2) of those Regulations, or

(b) the fact that the deposit (being a deposit made on or after the day on which those Regulations came into force) was made before the prescribed date within the meaning of those Regulations.

16. Incineration of hydrocarbons resulting from the exploration for, or production oil or gas.

17. Deposit on the site of dredging for aggregates or other minerals of any substance or article taken from the sea in the course of such dredging.

18. Deposit in the normal course of operation of a dredging vessel of waters overflowing from the hold of the vessel.

19. Deposit of any article in connection with the provision of moorings or aids to navigation-

(a) by a harbour authority or lighthouse authority, or

(b) by any other person, if the consent of a harbour authority or lighthouse authority is required.

20. Deposit of any article or substance in the maintenance of harbour, coast protection (other than beach replenishment), drainage or flood control works, if made on the site of the works.

21. Deposit for the purpose of treating oil on the surface of the sea of any substance produced for that purpose subject to the conditions-

(a) that the substance is a substance the use of which is for the time being approved by the licensing authority;

(b) that the substance is used in accordance with any conditions to which the approval was subject; and

(c) that no deposit is made in an area of the sea of a depth of less than 20 metres or within one mile of any such area save with the approval of the licensing authority.

22. Deposit of any equipment for the purpose of controlling, containing or recovering oil, mixtures containing oil, flotsam or algal blooms on or near to the surface of the sea.

23. Deposit of any scientific instrument or associated equipment (otherwise than for the purpose of disposal) in connection with scientific experiment or survey.

24. Launching of vessels or marine structures.

25. Deposit under the sea-bed of any substance or article (otherwise than for the purpose of disposal) in connection with the construction or operation of a bored tunnel subject to the conditions-

(a) that notice of intention to construct the tunnel is first given to the licensing authority: and

(b) that the approval of the licensing authority is first obtained to the doing of anything which might disturb the marine environment or the living resources which it supports.