1995 No. 234

MARINE POLLUTION

Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995

Made	*2nd June 1995*
Coming into operation . .	*7th July 1995*

The Department of the Environment for Northern Ireland, in exercise of the powers conferred on it by sections 7(1) and (2) and 25(3) of the Food and Environment Protection Act 1985(**a**) and of every other power enabling it in that behalf, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995 and shall come into operation on 7th July 1995.

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

(3) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to this order as it applies to a Measure of the Northern Ireland Assembly.

Application

2. In its application to Northern Ireland this order extends to United Kingdom waters adjacent thereto.

Exemptions

3. A licence is not needed—

(*a*) for an operation specified in the Schedule, subject to 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 Northern Ireland or in United Kingdom waters adjacent to Northern Ireland with substances or articles for deposit in the sea or under the sea bed in the course of an operation specified in the Schedule which satisfies the conditions (if any) specified therein.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 2nd June 1995.

(L.S.) *John Crowther*
Assistant Secretary

(**a**) 1985 c. 48
(**b**) 1954 c. 33 (N.I.)

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 or 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(**a**) applies, or

(*b*) of a kind for the time being regulated under section 20 of the Merchant Shipping Act 1979(**b**).

5. Deposit of any substance from a vehicle, vessel, aircraft, hovercraft or marine structure for the purpose of fighting any fire or preventing the spread of any fire.

6. Deposit of fishing gear (whether fixed or not) otherwise than for the purpose of disposal.

7. 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.

8. 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.

9. 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.

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

11. 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.

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

(**a**) 1971 c. 60
(**b**) 1979 c. 39