1975 No. 2180

DUMPING AT SEA

The Dumping at Sea Act 1974 (Jersey) Order 1975

Made - - - - 19*th December* 1975

Coming into Operation 1*st February* 1976

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 15(3) of the Dumping at Sea Act 1974(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Dumping at Sea Act 1974 (Jersey) Order 1975 and shall come into operation on 1st February 1976.

2. In this Order "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.

3. The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. The Dumping at Sea Act 1974 shall extend to the Bailiwick of Jersey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh

(a) 1974 c. 20.

(b) 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE DUMPING AT SEA ACT 1974

1. Save where the context otherwise requires, any reference to the Dumping at Sea Act 1974 or any other enactment, or any provision thereof, shall be construed as a reference thereto as it has effect in Jersey.

2. For any references to the United Kingdom, except in the expression "Her Majesty's Government in the United Kingdom", there shall be substituted references to Jersey.

3. Subject as hereinafter provided, for any reference to a licensing authority or to the Minister there shall be substituted a reference to the Committee.

4. In section 1 (1) in paragraph (b) for the words after "British Ship" there shall be substituted the words "Jersey hovercraft or Jersey marine structure; or"

5. In section 1 (6) for the words after "liable" there shall be substituted the words "to imprisonment for not more than 5 years, or to a fine or to both".

6. In section 1 (9) for the words "aircraft or" there shall be substituted the words "or Jersey".

7. In section 2 (4) and (6) the words "with the consent of the Treasury" shall be omitted.

8. In section 2 (9) the words "on summary conviction" shall be omitted.

9. In section 3 for subsections (4) to (14) there shall be substituted the following provision:—

"(4) If the Committee receives such representations, and in the case of a proposal to vary or revoke a licence receives them within 28 days of the receipt of the notification of the proposal, the Committee shall refer the matter to a Board of Administrative Appeal which shall act as if an application for review had been received by it from the applicant under the Administrative Decisions (Review) (Jersey) Regulations 1972."

10. In section 4 (1) the words "with the consent of the Treasury" shall be omitted.

11. In section 5 (1) the words "with the consent of the Minister for the Civil Service as to numbers" shall be omitted.

12. Section 5 (3) shall be omitted.

13. In section 5 (5) for paragraph (c) there shall be substituted the following provision:—

"(c) British ships, Jersey hovercraft and Jersey marine structures wherever they may be".

14. The provisions of paragraph 3 above shall not have effect in respect of section 6.

15. In section 6 (1) (b) in subparagraph (i) there shall be inserted before the word "hovercraft" the word "Jersey".

16. In section 7 (3) the words "on summary conviction" shall be omitted.

17. In section 7 at the end there shall be inserted the following subsection:—

"(4) In this and the next succeeding section, references to British enforcement officers shall be taken to refer to such officers appointed under this Act as it has effect in the United Kingdom or Jersey and references to British or foreign enforcement officers shall be taken to refer to such officers acting in pursuance of this Act as it has effect as aforesaid".

18. Section 9 (3) shall be omitted.

19. In section 10 (1) the words "or a Duchy interest" shall be omitted.

20. In section 10 (2).

(*a*) the words from "or belonging to a government department" to "or belonging to the Duchy of Cornwall" shall be omitted;

(*b*) for all the words following "in relation to any land" there shall be substituted the words:—

"belonging to Her Majesty in right of the Crown as Ancient Domain or in any other right means Her Majesty's Receiver General for Jersey".

21. Section 11 shall be omitted.

22. In section 12 (1)—

(*a*) the definitions of "British aircraft", "British hovercraft", "British marine structure", "government department", "licensing authority" and "United Kingdom waters" shall be omitted;

(*b*) before the definition of "British enforcement officer" there shall be inserted the following definition:—

' "a Board of Administrative Appeal" means a Board constituted in accordance with the Administrative Decisions (Review) (Jersey) Regulations 1972;';

(*c*) for the definition of "British ship" there shall be substituted the following definition:—

' "British ship" means a vessel registered in Jersey under the Merchant Shipping Act 1894 or under any Jersey enactment;';

(*d*) after the definition of "commander" there shall be inserted the following definition:—

' "the Committee" means the Harbours and Airport Committee of the States of Jersey;';

(*e*) for the definition of "harbour authority" there shall be substituted the following definition:—

' "harbour authority" means the Committee;';

(*f*) for the definition of "hovercraft" there shall be substituted the following definition:—

' "hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;';

(*g*) after the definition of "international organisations" there shall be inserted the following definitions:—

' "Jersey hovercraft" means a hovercraft, other than a hovercraft registered in the United Kingdom, owned or operated by an individual resident in or a body incorporated under the law of Jersey;

"Jersey marine structure" means a marine structure owned by or leased to an individual resident in or a body corporate incorporated under the law of Jersey;

"Jersey waters" means any part of the sea within the seaward limits of the territorial waters adjacent to Jersey;';

(*h*) in the definition of "lighthouse authority" after the figures "1894" there shall be inserted the words "or the Committee".

23. In section 13 (1) the words "whether public, local or private" shall be omitted.

24. In section 13 (2) the words "Subject to the provisions of section 33 of the Interpretation Act 1889 (which relate to offences under two or more laws)," shall be omitted.

25. Section 14 shall be omitted.

26. In section 15, subsections (2) (3) and (4) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Dumping at Sea Act 1974 to the Bailiwick of Jersey with exceptions, adaptations and modifications.

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