



Jersey

## **FOOD AND ENVIRONMENT PROTECTION ACT 1985 (DEPOSITS IN SEA EXEMPTIONS) (JERSEY) ORDER 2007**

*Made*

*17th January 2007*

*Coming into force*

*24th January 2007*

**THE MINISTER FOR PLANNING AND ENVIRONMENT**, in pursuance of section 7 of the Food and Environment Protection Act 1985 of the United Kingdom as extended to Jersey by the Food and Environment Protection Act 1985 (Jersey) Order 1987<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order, a reference to the Act is a reference to the Food and Environment Protection Act 1985 of the United Kingdom as extended to Jersey by the Food and Environment Protection Act 1985 (Jersey) Order 1987<sup>2</sup>.

### **2 Exemption**

- (1) An operation specified in the Schedule, being an operation that satisfies the conditions (if any) set out in the Schedule in respect of that operation, does not need a licence under Part II of the Act.
- (2) The loading of a vehicle, vessel, aircraft, hovercraft, marine structure or floating container in the Bailiwick, or waters of the Bailiwick, with substances or articles for deposit in the sea or under the sea-bed in the course of an operation specified in the Schedule does not need a licence under Part II of the Act.

### **3 Other laws**

Nothing in this Order affects the application of any other enactment, or of any rule of customary law, to an operation specified in the Schedule.

**4 Citation and commencement**

This Order may be cited as the Food and Environment Protection Act 1985 (Deposits in Sea Exemptions) (Jersey) Order 2007 and shall come into force on the seventh day after it is made.

**SENATOR F.E. COHEN**

*Minister for Planning and Environment*

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**SCHEDULE**

(Article 2)

**OPERATIONS NOT NEEDING LICENCE**

1. Deposit from a vessel, hovercraft or marine structure of sewage originating on the vessel, hovercraft or marine structure, subject to the condition that the deposit is made in an area of the sea that is more than one nautical mile (measured seaward) from mean high water springs.
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 plastic or any bulky or industrial waste).
3. Deposit from a vessel of –
  - (a) cooling water; or
  - (b) ballast water, tank washings, or other residues, resulting from tank cleaning or tank ballasting, not being tank cleaning or tank ballasting after the carriage of any substance that has been deposited or incinerated in pursuance of a licence under Part II of the Act.
4. Deposit of any substance from a vessel, aircraft, hovercraft or marine structure for the purpose of fighting any fire or preventing the spread of any fire.
5. Deposit of fishing gear (whether fixed or not) otherwise than for the purpose of disposal.
6. Deposit (by way of return to the sea) of fish or shellfish or parts of fish or shellfish in the course of fishing operations or fish processing at sea whilst a vessel is underway.
7. Deposit (by way of return to the sea) by a fishing vessel of any article (other than fish or shellfish) taken from the sea by the vessel in the course of normal fishing operations.
8. 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.
9. 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.
10. 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 of the vessel, hovercraft or marine structure.
11. Deposit of any substance or article (otherwise than for the purpose of disposal) in the course of salvage operations.

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12. Deposit, on the site of drilling for, or production of, oil or gas, of any drill cuttings or drilling muds in the course of such drilling or production.
  13. 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.
  14. Incineration of hydrocarbons resulting from the exploration for, or production of, oil or gas.
  15. 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.
  16. Deposit in the normal course of operation of a dredging vessel of waters overflowing from the hold of the vessel.
  17. Deposit of any article in connection with the provision of moorings or aids to navigation –
    - (a) by the Minister for Economic Development or another harbour authority or lighthouse authority; or
    - (b) by any other person, if the consent of the Minister for Economic Development or of another harbour authority or lighthouse authority is required for the deposit and is obtained.
  18. Deposit of any article in connection with the provision of navigational marks for the purposes of racing recreational craft.
  19. Deposit of any article or substance in the maintenance of harbour works, coast protection works (other than beach replenishment), drainage works or flood control works, if made on the site of the works.
  20. 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 Minister for Planning and Environment;
    - (b) that the substance is used in accordance with any requirements specified in the approval; and
    - (c) that the deposit is not made in an area of the sea of a depth of less than 20 metres (below mean low water springs) or within one nautical mile of any such area unless with the express permission of the Minister for Planning and Environment.
  21. 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.
  22. Deposit of any scientific instrument or associated equipment (otherwise than for the purpose of disposal) in connection with a scientific experiment or a scientific survey.
  23. Launching of vessels, hovercrafts or marine structures.
  24. 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 Minister for Planning and Environment; and

- (b) that the approval of the Minister for Planning and Environment is first obtained to the doing of anything (in making the deposit or the construction or operation of the tunnel) that might disturb the marine environment or the living resources that the marine environment supports.

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- <sup>1</sup> *chapter 20.150*  
<sup>2</sup> *chapter 20.150*