
S T A T U T O R Y I N S T R U M E N T S

1975 No. 811

DUMPING AT SEA

The Dumping at Sea Act 1974 (Guernsey) Order 1975

Made - - - - - 14th May 1975

Coming into Operation 16th June 1975

At the Court at Buckingham Palace, the 14th day of May 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in the 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 (Guernsey) Order 1975 and shall come into operation on 16th June 1975.

2.—(1) In this Order “Guernsey” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

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

3. The Dumping at Sea Act 1974 shall extend to Guernsey 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 Guernsey.
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 Guernsey.
3. Save where the context otherwise requires, for any reference to a licensing authority or to the Minister, there shall be substituted a reference to the Board.
4. Save where the context otherwise requires, for any reference to a British enforcement officer, there shall be substituted a reference to a Guernsey enforcement officer.
5. In section 1(1) in paragraph (b) for the words after “British ship”, there shall be substituted the words “Guernsey hovercraft or Guernsey marine structure; or”.
6. In section 1(9) for the words “aircraft or” there shall be substituted the words “or Guernsey”.
7. In section 2(4) and (6) the words “with the consent of the Treasury” shall be omitted.
8. In section 3 for subsections (4) and (5) there shall be substituted the following subsections:—
 - “(4) If the Board 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 Board shall request the Royal Court to constitute a tribunal to consider the representations and the Royal Court shall appoint one of the members of the tribunal to be its chairman.
 - (5) The Royal Court shall draw up and from time to time revise a panel of persons who are specially qualified in the opinion of the Royal Court to be members of such a tribunal, and the tribunal constituted by the Royal Court shall be drawn from members of that panel.”
9. In section 3(6) to (11) for any reference to a committee there shall be substituted a reference to a tribunal.
10. Section 3(14) shall be omitted.
11. In section 4(1) the words “with the consent of the Treasury” shall be omitted.
12. For section 5(1) there shall be substituted the following subsection:—
 - “(1) The Board may appoint enforcement officers for the purposes of this Act.”
13. In section 5(5) for paragraph (c) there shall be substituted the following provision:—
 - “(c) British ships, Guernsey hovercraft and Guernsey marine structures wherever they may be,”
14. In section 6(1)(b) in sub-paragraph (i) there shall be inserted before the word “hovercraft” the word “Guernsey”.
15. In sections 7 and 8—
 - (a) For the words “a British or foreign enforcement officer” there shall be substituted the words “a Guernsey or foreign enforcement officer or a British enforcement officer acting in pursuance of this Act as it has effect in the United Kingdom”;
 - (b) after the words “this Act” there shall be inserted the words “as it has effect in Guernsey or the United Kingdom as the case may be”.

16. At the end of section 7 there shall be inserted the following additional subsection:—

“(4) In this and the next following section, a British enforcement officer means a British enforcement officer as defined in section 12(1) of the Dumping at Sea Act 1974 as it has effect in the United Kingdom.”.

17. In section 8(1) after the word “British” there shall be inserted the word “Guernsey”.

18. Sections 10 and 11 shall be omitted.

19. 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) at the beginning of the list of definitions there shall be inserted the following definition:—

“the Board” means the State of Guernsey Board of Administration;’;

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

“British ship” means a vessel registered in Guernsey under the Merchant Shipping Act 1894 or under any Guernsey enactment;’;

(d) before the definition of “harbour authority” there shall be inserted the following definitions:—

“Guernsey hovercraft” means a hovercraft, other than a hovercraft registered in the United Kingdom, which is owned by a person with ordinary residence in Guernsey or which is owned by a company registered in pursuance of the provisions of the Laws entitled “Loi relative aux Societes Anonymes ou a Responsabilite Limitee registered on the 22nd day of May 1894” and “Loi relative aux Societes Anonymes ou a Responsabilite Limitee registered on the 21st day of March 1908”;’;

“Guernsey marine structure” means a marine structure owned by or leased to an individual resident or to a company registered in pursuance of the provisions of the Laws entitled “Loi relative aux Societes Anonymes ou a Responsabilite Limitee registered on the 22nd day of May 1894” and “Loi relative aux Societes Anonymes ou a Responsabilite Limitee registered on the 21st day of March 1908”;’;

“Guernsey waters” means any part of the sea within the seaward limit of the territorial waters adjacent to the Bailiwick of Guernsey;’;

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

“Harbour authority” means—

(a) as respects the Island of Guernsey, the Board;

(b) as respects the Island of Alderney, the Transport and Harbour Committee; and

(c) as respects the Island of Sark, the Harbour 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;’; and

(g) in the definition of “lighthouse authority” after the figures “1894” there shall be inserted the words “or the harbour authority”.

20. In section 13(1) the words “whether public, local or private” shall be omitted.

21. In section 13(2) after the figures "1889" there shall be inserted the words "(an Act of Parliament)".

22. Section 14 shall be omitted.

23. Section 15(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 Guernsey with exceptions, adaptations and modifications.

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