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**AN BILLE UM DHUMPÁIL AR FARRAIGE (LEASÚ), 2000**  
**DUMPING AT SEA (AMENDMENT) BILL, 2000**

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*Mar a ritheadh ag Seanad Éireann*  
*As passed by Seanad Éireann*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Amendment of section 1 of Dumping at Sea Act, 1996.
  2. Amendment of section 5 of Dumping at Sea Act, 1996.
  3. New section 5A of Dumping at Sea Act, 1996.
  4. Amendment of First Schedule to Dumping at Sea Act, 1996.
  5. Short title, collective citation and construction.
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Acts Referred to

Dumping at Sea Act, 1996	1996, No. 14
Fishery Harbour Centres Act, 1968	1968, No. 18
Harbours Acts, 1946 to 1976	
Harbours Acts, 1996 and 2000	



AN BILLE UM DHUMPÁIL AR FARRAIGE (LEASÚ), 2000  
DUMPING AT SEA (AMENDMENT) BILL, 2000

# BILL

*entitled*

5 AN ACT TO AMEND AND EXTEND THE DUMPING AT SEA  
ACT, 1996, AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Section 1 of the Dumping at Sea Act, 1996, is amended by the  
substitution of the following for the definition of “harbour  
10 authority”:

Amendment of  
section 1 of  
Dumping at Sea  
Act, 1996.

“‘harbour authority’ means—

- (a) in the case of a harbour to which the Harbours Acts, 1996  
and 2000, apply, a company within the meaning of those  
Acts,
- 15 (b) in the case of a harbour to which the Harbours Acts, 1946  
to 1976, apply, a harbour authority within the meaning of  
those Acts,
- (c) in the case of a fishery harbour centre to which the Fishery  
Harbour Centres Act, 1968, applies or any other harbour  
20 under the control of the Minister, the said Minister,
- (d) in the case of a harbour under the control of a local auth-  
ority, the local authority concerned,
- (e) in the case of a harbour under the management of Iarnród  
Éireann-Irish Rail, that company;”.

25 2.—Section 5 of the Dumping at Sea Act, 1996, is amended—

Amendment of  
section 5 of  
Dumping at Sea  
Act, 1996.

- (a) in subsection (1)(a), by the insertion after “consultation  
with” of “the Minister for Arts, Heritage, Gaeltacht and  
the Islands,”,
- 30 (b) in subsection (1)(b)(ii), by the substitution for “as may be  
appropriate.” of “as may be appropriate, and”,
- (c) in subsection (1)(b), by the insertion of the following after  
subparagraph (ii):

“(iii) in relation to the proposed dredging and dumping of any substance or material, any submission or observations made by a person, and comments made by an applicant, under section 5A.”,

(d) in subsection (4), by the insertion after “consultation with” of “the Minister for Arts, Heritage, Gaeltacht and the Islands,”, and 5

(e) in subsection (9), paragraph (b), by the insertion after “reasonable times.” of the following:

“The Minister shall cause the register to be published by electronic means.”. 10

New section 5A of Dumping at Sea Act, 1996.

**3.—**The Dumping at Sea Act, 1996, is amended by the insertion of the following after section 5:

“Notice of application for permit under section 5.

5A.—(1) A person who applies for a permit under section 5 shall, within 21 days after so applying, publish a notice of the application in a newspaper circulating in the area adjacent to the site of the proposed dumping (and where dredging is proposed in the maritime area of any substance or material for dumping in the maritime area, publish the notice also in a newspaper circulating in the area adjacent to the site of the proposed dredging) or, if no newspaper is circulating in those areas, then in a newspaper circulating nationally or such other newspaper as, in the opinion of the Minister, is likely to bring the proposal to the attention of persons who may be affected in the areas. 15 20 25

(2) A notice under subsection (1) shall contain brief details of the location of the proposed site or sites, the commencement and duration of the proposed activity and the approximate amounts of any substance or material involved, and indicate where any relevant documentation in relation to the proposal may be inspected or a copy thereof may be obtained at a reasonable cost. 30 35

(3) Except in a case of dredging which, in the opinion of the Minister, is urgently required for the purposes of navigational safety and is specified in a notice under subsection (1) to be of an urgent nature, a person may, in writing, within 21 days after the date on which a notice under subsection (1) is published, make a submission or observations to the Minister about the proposal. 40 45

(4) A submission or observations under subsection (3) shall—

(a) state the name and address of the person making the submission or observations,

(b) state the grounds for the submission or observations and any considerations and arguments on which it or they are based, and 50

(c) be accompanied by such documents, particulars or other information the person considers are necessary or appropriate for the consideration by the Minister of the application.

(5) The Minister shall, as soon as may be after receiving a submission or observations under subsection (3), give to the applicant for the permit, for comment, a copy of the submission or observations and any accompanying documents, particulars or other information provided.

(6) Except in a case of dredging which, in the opinion of the Minister, is urgently required for the purposes of navigational safety and is specified in a notice under subsection (1) to be of an urgent nature, the Minister shall not consider an application referred to in that subsection—

(a) until 21 days after the publication of the notice, or

(b) where a submission or observations has or have been received by the Minister within that time, until the Minister is satisfied that sufficient time has elapsed since a copy of the submission or observations has or have been given under subsection (5) to the applicant for the permit and any comments made by the applicant in response have been considered.

(7) The Minister shall cause to be published by electronic means—

(a) all applications received for permits on or after 1 January, 2001, and

(b) all submissions or observations under subsection (3) in relation to such applications.”.

4.—The First Schedule to the Dumping at Sea Act, 1996, is amended by the substitution of the following for paragraph 1 in that part of the Schedule headed “*C—General considerations and conditions*”:

Amendment of First Schedule to Dumping at Sea Act, 1996.

“1. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, areas of natural or archaeological heritage importance, and other legitimate use of the sea.”.

5.—(1) This Act may be cited as the Dumping at Sea (Amendment) Act, 2000.

Short title, collective citation and construction.

(2) The Dumping at Sea Act, 1996, and this Act may be cited together as the Dumping at Sea Acts, 1996 and 2000, and shall be construed together as one Act.