



BRITISH INDIAN OCEAN TERRITORY

**REVISED REGULATIONS OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE FOOD AND ENVIRONMENT
PROTECTION ACT 1985 (DEPOSITS IN SEA
EXEMPTIONS) (BRITISH INDIAN OCEAN
TERRITORY) ORDER 2017**

CHAPTER E.6

Revised Edition

Showing the law as at 26 March 2024

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains the following law:

The Food and Environment Protection Act 1985 (Deposits in Sea Exemptions) (British Indian Ocean Territory) Order 2017 – SI No.4 of 2017

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The Commissioner, in pursuance of section 7 of the Food and Environment Protection Act 1985 of the United Kingdom as extended to the British Indian Ocean Territory by the Environment Protection (Overseas Territories) Order 1988, orders as follows –

Citation.

1. This Order may be cited as the Food and Environment Protection Act 1985 (Deposits in Sea Exemptions) (British Indian Ocean Territory) Order 2017, RRBIOT c.E.6.

Definitions.

2. In this Order –

Act means the Food and Environment Protection Act 1985 of the United Kingdom as extended to the British Indian Ocean Territory by the Environment Protection (Overseas Territories) Order 1988;

the vessel means the British Indian Ocean Territory Patrol Vessel, the Grampian Frontier and includes any craft carried upon her;

fish has the meaning assigned to it by section 2(1) of the Fisheries (Conservation and Management) Ordinance 2007;

shallow means at a charted depth of 200 metres or less.

Exemption.

3. (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, marine structure or the vessel in the Territory or waters of the Territory with substances or articles for deposit in the sea in the course of an operation specified in the Schedule does not need a licence under Part II of the Act.

Other laws.

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

SCHEDULE

(Article 3)

OPERATIONS NOT NEEDING LICENCE

1. Deposit from the vessel underway and making way of no more than 25,000 kilograms of dead fish –
 - (a) 12 nautical miles or more from land and shallow water areas;
 - (b) in water greater than 200 metres deep; and
 - (c) at a location at least 3 nautical miles away from any other site where dead fish has been deposited in accordance with this paragraph in the previous six months.
2. Deposit from the vessel 3 nautical miles or more from land and shallow water of any substance or article (other than bulky waste) in the course of normal operations, navigation or maintenance of the vessel.
3. Deposit from the vessel of any scientific instrument or associated equipment (otherwise than for the purpose of disposal) in connection with a scientific experiment or a scientific survey that has been approved by the Commissioner.
4. Deposit from the vessel of any substance following its use for the purpose of fighting any fire, preventing the spread of any fire or countering any flood.
5.
 - (a) Subject to sub-paragraph (b), deposit from the vessel of ballast water, tank washings, or other residues, resulting from tank cleaning or tank ballasting 3 nautical miles or more from land and shallow water areas.
 - (b) Where ballast water has been taken on from a location outside the Environment (Protection and Preservation) Zone the following conditions shall apply –
 - (i) the ballast water shall be exchanged immediately before entering (or re-entering) this Zone; and
 - (ii) the first and second exchanges of ballast water following entry (or re-entry) to this Zone shall take place 50 nautical miles or more from land and shallow water areas.

EXPLANATORY NOTE

(This note is not part of the Revised Regulations)

The Revised Regulations of the British Indian Ocean Territory (showing the law as at 1 September 2020) incorrectly included Proclamations. This error has been rectified by a periodic revision pursuant to section 15 of the Law Revision Ordinance 2015 (showing the law as at 26 March 2024). Only Chapter E of the Revised Regulations of BIOT was affected.

This periodic revision has –

- a. Removed the Proclamations from the Revised Regulations of BIOT,
- b. Adjusted the reference numbers of the Revised Regulations within Chapter E, and
- c. Added The Appointment of Director of Fisheries Order (Chapter E.9), which was made after the last revision date.

The periodic revision has not affected or amended the substance of any of the laws concerned.