Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 14 *of* 1996

DUMPING AT SEA ACT 1996

REVISED

Updated to 1 August 2025

This Revised Act is an administrative consolidation of the *Dumping at Sea Act 1996*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Urban Wastewater (Nutrient - Sensitive Areas) Regulations 2025* (S.I. No. 403 of 2025), made 1 August 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 14 *of* 1996

DUMPING AT SEA ACT 1996

REVISED

Updated to 1 August 2025

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Restrictions on dumping at sea of vessels, aircraft, substances and material.
3. Prohibition of incineration of substances or material in maritime area.
4. Prohibition of disposal of offshore installations and certain substances or material.
5. Permits in relation to dumping.
5A. Notice of application for permit under section 5.
6. Powers of authorised officers.
7. Provisions in relation to offences.
8. Indictment of bodies corporate.
9. Collection and application of fines.
10. Penalties.
11. Prosecution of offences by Attorney General.
12. Prosecution of offences under Sea Pollution Act, 1991, by Attorney General.
13. Fees.
14. Expenses.
15. Repeal of Act of 1981.
16. Short title, collective citation and collective construction.

FIRST SCHEDULE

Criteria as to the Grant of Permits for Dumping

SECOND SCHEDULE

Part 1

The Exceptions to the Prohibition on Dumping as Contained in Annex IITO the Convention for the Protection of the Marine Environment of the North-East Atlantic Done at Paris on the 22ND day of September, 1992

PART 2

The Exceptions to the Prohibition on Dumping Permitted in Accordance with annex III to the Convention for the Protection of the Marine Environment of the North-East Atlantic done at Paris on the 22nd day of September, 1992

Number 14 *of* 1996

DUMPING AT SEA ACT 1996

REVISED

Updated to 1 August 2025

AN ACT TO MAKE FURTHER PROVISION TO CONTROL DUMPING AT SEA, TO GIVE EFFECT TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC DONE AT PARIS ON THE 22ND DAY OF SEPTEMBER, 1992, AND FOR THOSE PURPOSES TO REPEAL AND RE-ENACT WITH AMENDMENTS THE DUMPING AT SEA ACT, 1981, AND TO PROVIDE FOR RELATED MATTERS. [19*th June*, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Certain functions under collectively cited *Dumping at Sea Acts 1996 to 2006* transferred to the Environmental Protection Agency (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 29, commenced as per s. 1(5).

Transfer and vesting of dumping at sea functions

29.— (1) Such of the functions, immediately before the commencement date, of the Minister for Agriculture, Fisheries and Food under the Dumping at Sea Acts 1996 to 2006 to which this Part relates are, on that date, transferred to the Agency in accordance with and to the extent provided for by this Part and Schedule 2 and those provisions have effect for the purpose of vesting in the Agency the functions so transferred.

(2) The administration and business in connection with the performance of any functions transferred to the Agency from the Minister for Agriculture, Fisheries and Food by subsection (1) are, on the commencement date, transferred to the Agency.

C2 Application of collectively cited *Dumping at Sea Acts 1996 to 2009* restricted (21.09.2009) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 42(22) and sch. 2, and reg. (63(2).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

General provisions regarding licences etc

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with any guideline or code of practice issued under Regulation 71 or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
...	...	...
		Dumping at Sea Acts 1996 to 2009
...	...	...

C3 Functions transferred and references to Department of and Minister for **Communications, Marine and Natural Resources** construed as **Agriculture and Food** (19.10.2007) by *Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007* (S.I. No. 707 of 2007), arts. 2, 3 and sch., part 1, in effect as per art. 1.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Agriculture and Food.

(2) A reference to the Department of Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall be construed as a reference to the Department of Agriculture and Food.

3. (1) A function vested in the Minister for Communications, Marine and Natural Resources by or under—

(a) an enactment cited in Part 1 of the Schedule to this Order, and ...

is transferred to the Minister for Agriculture and Food.

(2) A reference to the Minister for Communications, Marine and Natural Resources contained in an enactment or instrument made under an enactment and relating to a function transferred by this Article shall be construed as a reference to the Minister for Agriculture and Food.

...

SCHEDULE

PART 1

...

Dumping at Sea Acts 1996 to 2006

Editorial Notes:

E1 Provision for costs of certain proceedings under Act to be borne by each party in certain circumstances made (7.07.2011) by *Foreshore (Amendment) Act 2011* (20/2011), Part 2 (ss. 3-8), commenced on enactment. The 2011 Act, s. 8 provides for judicial notice to be taken of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1998.

E2 Requirements for authorisations granted under collectively cited *Dumping at Sea Acts 1996 to 2004* prescribed and requirement for review of existing authorisations under Act imposed (30.07.2009) by *European Communities Environmental Objectives (Surface Waters) Regulations 2009* (S.I. No. 272 of 2009), regs. 7, 9 and 11, commenced as per reg. 1(2).

E3 Previous affecting provision: obligation to consult Minister for Arts, Culture and the Gaeltacht before exercising any function to which regulation related under Act imposed (26.02.1997) by *European Communities (Natural Habitats) Regulations 1997* (S.I. No. 94 of 1997), reg. 31(7) and sch. 2, pt. 1, commenced on enactment; revoked (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 73(1).

Interpretation.

1.—In this Act, save where the context otherwise requires—

F1**[**"Agency" means the Environmental Protection Agency;**]**

"authorised officer" shall be construed in accordance with *section 6 (1)* of this Act;

"company" has the same meaning as in the Companies Acts, 1963 to 1990;

"dumping" means—

(*a*) any deliberate disposal in the maritime area (including side-cast dredging, plough dredging, water injection dredging and other such dredging techniques) of a substance or material from or in conjunction with a vessel or aircraft or offshore installation,

(*b*) any deliberate disposal in the maritime area of vessels, aircraft or offshore installations,

but does not include—

(i) the disposal in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, or other applicable international law to which Ireland is a party, of a substance or a material incidental to, or derived from, the normal operations of a vessel or aircraft or offshore installation (or its equipment) other than a substance or a material transported by or to a vessel or aircraft or offshore installation for the purpose of disposal of such substance or material or derived from the treatment of such substance or material on such a vessel or aircraft or installation;

(ii) the discharge, for the purpose of dispersing or otherwise altering the distribution or character of any mineral oil on the surface of the sea, of a substance or material designed or intended for use for the purpose aforesaid and cognate words shall be construed accordingly;

(iii) placement of a substance or material or vessel or aircraft in the maritime area for a purpose other than the mere disposal thereof, provided that, if the placement is for a purpose other than that for which the substance or material or vessel or aircraft was originally designed or constructed, it is in accordance with the provisions of *sections 2* and *5* of this Act;

(iv) the discarding of unprocessed fish or fish offal from fishing vessels;

F3**[**...**]**

F4**[**"exclusive economic zone of the State" has the same meaning as it has in the Maritime Jurisdiction Act 2021;**]**

"functions" includes powers and duties and a reference to the performance of a function includes a reference to the exercise of a power and the carrying out of a duty;

F5**[**"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,

(*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,

F6**[**(*c*) in the case of a fishery harbour centre to which the Fishery Harbour Centres Act 1968 applies or any other harbour under the control of the Minister for Agriculture, Fisheries and Food, that Minister,**]**

(*d*) in the case of a harbour under the control of a local authority, the local authority concerned,

(*e*) in the case of a harbour under the management of Iarnród Éireann - Irish Rail, that company;**]**

F4**[**"inland waters of the State" shall be construed in accordance with section 8 of the Maritime Jurisdiction Act 2021;**]**

"Irish aircraft" means an aircraft registered in the State;

"Irish vessel" means a ship which is an Irish ship within the meaning of the Mercantile Marine Act, 1955, or a vessel which is owned by, leased or chartered to, an individual resident in the State or an Irish company, and is not registered under the law of another country;

F4**[**"territorial sea of the State" has the same meaning as it has in the Maritime Jurisdiction Act 2021;**]**

"the London Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on the 29th day of December, 1972, as amended by the Consultative Meeting of Contracting Parties to the Convention on the 12th day of October, 1978;

F7**[**"the maritime area" comprises—

(I) the inland waters and F8**[**territorial sea**]** of the State, and the seabed and subsoil beneath them,

F8**[**(II) a designated area within the meaning of the Maritime Jurisdiction Act 2021, and**]**

(III) the exclusive economic zone of the State;**]**

"master", in relation to a vessel, means the person having the command or charge of the vessel for the time being;

F9**[**...**]**

"offshore activities" means activities carried out in the sea for the purpose of the exploration, appraisal or exploitation of liquid and gaseous hydrocarbons;

"offshore installation" means any man-made structure, plant or vessel or parts thereof, whether floating or fixed to the seabed, placed in the sea for the purpose of offshore activities;

"substance or material" includes thing;

F10**[**...**]**

"vessel" includes an aircraft which is capable of landing on or taking off from water.

Annotations

Amendments:

F1 Inserted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 30(a), commenced as per s. 1(5).

F2 Inserted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(a)(i), commenced on enactment.

F3 Deleted (11.22.2021) by *Maritime Jurisdiction Act 2021* (28/2021), s. 28(a), S.I. No. 601 of 2021.

F4 Inserted (11.22.2021) by *Maritime Jurisdiction Act 2021* (28/2021), s. 28(b), S.I. No. 601 of 2021.

F5 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 2(a), commenced on enactment.

F6 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 30(b), commenced as per s. 1(5).

F7 Substituted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(a)(ii), commenced on enactment.

F8 Substituted (11.22.2021) by *Maritime Jurisdiction Act 2021* (28/2021), s. 28(c)(i). (ii), S.I. No. 601 of 2021.

F9 Deleted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 30(c), commenced as per s. 1(5).

F10 Deleted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(a)(iii), commenced on enactment.

F11 Substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision.

Modifications (not altering text):

C4 Prospective affecting provision: definition of "Irish vessel" substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision.

Interpretation.

1.—In this Act, save where the context otherwise requires— ...

F11**[**"Irish vessel" means a ship which is an Irish ship within the meaning of the Merchant Shipping (Registration of Ships) Act 2014, or a vessel which is owned by, leased or chartered to, an individual resident in the State or an Irish company, and is not registered under the law of another country;**]**

...

Editorial Notes:

E4 Previous affecting provision: definitions of "exclusive economic zone of the State" and "inland waters and territorial seas of the State" inserted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(a)(i), commenced on enactment; deleted (22.11.2021) as per F-note above.

E5 Previous affecting provision: definition of "Minister" substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 2(b), commenced on enactment; deleted as per F-note above.

Restrictions on dumping at sea of vessels, aircraft, substances and material.

2.—(1) If any vessel or aircraft, substance or material—

(*a*) is dumped in the maritime area,

(*b*) is dumped anywhere in the sea outside the maritime area and the dumping is from an Irish vessel, or an Irish aircraft, or

(*c*) is loaded on to a vessel or aircraft in the State or in the maritime area for dumping,

the master and the owner of the vessel, or the pilot in command and the owner of the aircraft, as the case may be, and any other person who causes or permits the dumping or loading shall be guilty of an offence.

(2) It shall be a defence for a person ("the defendant") charged with an offence under this section to prove—

(*a*) that the commission of the offence was due to a mistake or to the act or default of another person or to an accident or some other cause beyond the defendant's control and that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by the defendant or any person under the defendant's control, or

(*b*) that the dumping or loading concerned took place under and in accordance with a permit under *section 5* of this Act, or, in the case of dumping to which *subsection (1) (b)* of this section relates, under and in accordance with a permit granted by another state that is party to the Convention for the Protection of the Marine Environment of the North-East Atlantic done at Paris on the 22nd day of September, 1992 or the London Convention.

(3) (*a*)*Paragraphs (a)* and *(b)* of *subsection (1)* of this section shall not apply in relation to dumping, if it is reasonably necessary for the purpose of securing the safety of a vessel or aircraft or of saving life.

F12**[**(*b*) Dumping for a purpose specified in *paragraph (a)* of this subsection shall be reported to the Agency by the master of the vessel or pilot in command of the aircraft, as the case may be, as soon as may be, but not later than 7 days after it takes place.**]**

(*c*) A person who contravenes *paragraph (b)* of this subsection shall be guilty of an offence.

F13**[**(4) In *subsection (1)* of this section a reference to the owner of a vessel or aircraft includes, where the vessel or aircraft is on hire, the person to whom it is on hire.**]**

Annotations

Amendments:

F12 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 31, commenced as per s. 1(5).

F13 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 3, commenced on enactment.

Prohibition of incineration of substances or material in maritime area.

3.—(1) A person who causes or procures the incineration, that is to say, the deliberate combustion, of any substance or material in the maritime area for the purpose of thermal destruction shall be guilty of an offence.

(2) *Subsection (1)* does not apply to the thermal destruction of substances or material derived from the normal operation of a vessel, aircraft or offshore installation other than the thermal destruction of substances or material on a vessel, aircraft or offshore installation operating for the purpose of such destruction.

Prohibition of disposal of offshore installations and certain substances or material.

4.—(1) Subject to *section 5* of this Act, a person who deliberately disposes of, or permits the disposal of, in the maritime area, an offshore installation or any substance or material from any such installation, and the person in charge of, and the owner of, the offshore installation concerned, shall be guilty of an offence.

(2) A person who deliberately disposes of, or permits the disposal of, in the maritime area—

(*a*) low, intermediate and high level radioactive substances or material, or

(*b*) toxic, harmful or noxious substances,

and the master and the owner of the vessel, or the pilot in command and the owner of the aircraft or the person in charge of and the owner of the offshore installation concerned, as the case may be, shall be guilty of an offence.

(3) F14**[**...**]**

(4) F15**[**...**]**

Annotations

Amendments:

F14 Repealed (1.08.2014) by *Radiological Protection (Miscellaneous Provisions) Act 2014* (20/2014), s. 33, S.I. No. 354 of 2014.

F15 Repealed (1.08.2014) by *Radiological Protection (Miscellaneous Provisions) Act 2014* (20/2014), s. 33, S.I. No. 354 of 2014.

Editorial Notes:

E6 Previous affecting provision: subss. (3) and (4) substituted and inserted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 32, commenced as per s. 1(5); repealed as per F-note above.

Permits in relation to dumping.

5.—(1) F16**[**(*a*) The Agency may, after consultation with the Minister for the Environment, Heritage and Local Government, the Minister for Enterprise, Trade and Employment, the Minister for Agriculture, Fisheries and Food and such other Minister of the Government as the Agency considers appropriate, grant, or refuse to grant, a permit to a person who applies to the Agency for a permit authorising the dumping of a specified vessel, aircraft or offshore installation, or a specified quantity of a specified substance or material in a specified place within a specified period of time or the loading onto the vessel or aircraft, of a specified quantity of a specified substance or material at a specified place within a specified period of time, which is intended to be dumped from the vessel or aircraft concerned.**]**

(*b*) In deciding whether to grant or refuse a permit under this subsection, F17**[**the Agency shall**]** consider—

(i) the provisions establishing criteria governing the grant of a permit for dumping which are set out in the *First Schedule* to this Act, and

(ii) (I) the exceptions to the prohibition on dumping as contained in the extracts from Annex II to the Convention for the Protection of the Marine Environment of the North-East Atlantic done at Paris on the 22nd day of September, 1992, which are set out in *Part 1* of the *Second Schedule* to this Act, or

(II) the exceptions to the prohibition on dumping set out in *Part 2* of the said Schedule and permitted under Annex III to the said Convention,

F18**[**as may be appropriate, and**]**

F19**[**(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*.**]**

F20**[**(2) A person who applies to the Agency for a permit under this section shall furnish to the Agency such information as the Agency may consider necessary for the purpose of the exercise of functions under this section, including, where so requested by the Agency, information that will satisfy the Agency that there is no suitable alternative means of disposal of the vessel, aircraft, offshore installation, substance or material concerned.

(3) A permit under this section shall contain such conditions as the Agency thinks appropriate. Without prejudice to the generality of the foregoing, a permit under this section shall include a condition that the person to whom it is granted shall indemnify the Agency against all reasonable costs incurred by him arising out of a breach of a condition of the said permit.

(4) The Agency may, after consultation with the Minister for the Environment, Heritage and Local Government, the Minister for Agriculture, Fisheries and Food, the Minister for Enterprise, Trade and Employment and such other Minister of the Government as the Agency considers appropriate, revoke or amend a permit under this section, whenever the Agency deems it appropriate.**]**

F21**[**(5) (*a*) An application for a permit under this section or for amendment of any such permit shall be subject to such fee payable in such manner, F17**[**as the Minister for the Environment, Heritage and Local Government may**]**, with the consent of the Minister for Finance, prescribe by regulations.

(*b*) Regulations under this subsection may provide for fees of different amounts in respect of applications of different categories and in different circumstances.

F22**[**(*c*) Where under regulations made under this subsection a fee is payable in respect of any application, the application shall not be considered or decided unless the Agency is in receipt of the fee or the appropriate part thereof, as the case may be.**]**

(*d*) Every regulation made under this subsection shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.**]**

(6) The F17**[**Agency**]** may, with the consent of the Minister for Finance, in a case where the F17**[**Agency**]** proposes to grant a permit to a person under this section, charge the person (in addition to any fee paid by the person under *subsection (5)* of this section) a fee of such amount as, in the opinion of the F17**[**Agency**]**, is appropriate having regard to the cost of any monitoring, surveys and examinations carried out or to be carried out for the purposes of enabling the F17**[**Agency**]**—

(*a*) to determine where dumping may take place,

(*b*) to assess the effects of the dumping to which the permit relates on the marine environment and the living resources which it supports, and

(*c*) to ensure that the dumping to which the permit relates is carried out in accordance with that permit.

(7) A person who, in relation to an application for a permit under this section, makes a statement F17**[**to the Agency**]** that is false or misleading in a material respect shall be guilty of an offence unless it is shown that the person concerned did not, and could

not reasonably have been expected to, know that the statement was false or misleading in a material respect.

F23**[**(7A) In this section references to an application for a permit include references to an application for an amendment of a permit.**]**

(8) (*a*) Permits may, subject to *paragraph (b)* of this subsection, be granted, revoked or amended by a person authorised for that purpose by the F17**[**Agency**]** and references to the F17**[**Agency**]** in *subsections (1)* to *(7)* of this section shall be construed as including references to such person.

(*b*) Where a person is authorised in accordance with *paragraph (a)* of this subsection to grant, revoke or amend a permit the person shall, in the discharge of such functions, have regard to such considerations of the policy as the F17**[**Agency**]** may direct.

(9) (*a*) F17**[**The Agency shall keep a register**]** and shall cause to be entered in the register particulars of all permits granted under this section.

(*b*) The register kept under this section shall be open to inspection by the public free of charge at all reasonable times. F24**[**The F17**[**Agency**]** shall cause the register to be published by electronic means.**]**

(*c*) The F17**[**Agency**]** shall, as soon as may be after the end of each year, cause to be published in *Iris Oifigiúil*, particulars of all permits granted under this section, in that year.

(10) A permit granted under the Dumping at Sea Act, 1981, and in force immediately before the commencement of this section shall continue in force as if granted under this Act.

(11) F25**[**...**]**

(12) This section shall not come into operation as respects offshore installations until such day as the Government may by order appoint.

(13) Whenever an order is proposed to be made under this section a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Annotations

Amendments:

F16 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 33(a), commenced as per s. 1(5), subject to transitional provisions in s. 38(1), (2).

F17 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 items 1-9, commenced as per s. 1(5).

F18 Substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(b), commenced on enactment.

F19 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(c), commenced on enactment.

F20 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 33(b), commenced as per s. 1(5), subject to transitional provisions in s. 38(1), (2).

F21 Substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(e), commenced on enactment.

F22 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 33(c), commenced as per s. 1(5).

F23 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(f), commenced on enactment.

F24 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(g), commenced on enactment.

F25 Deleted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 33(d), commenced as per s. 1(5).

Modifications (not altering text):

C5 Functions transferred and references to Minister for **Housing, Local Government and Heritage** construed as **Minister for Climate, Energy and the Environment** (1.08.2025) by *Marine Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 390 of 2025), arts. 2, 3 and sch 1 part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 4-6, 8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Climate, Energy and the Environment.

(2) References to the Department of Housing, Local Government and Heritage contained in any Act or any instrument made under an Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Climate, Energy and the Environment.

3. (1) The functions vested in the Minister for Housing, Local Government and Heritage—

(a) by or under the Acts specified in Part 1 of the Schedule, and

(b) under the Regulations specified in Part 2 of the Schedule are transferred to the Minister for Climate, Energy and the Environment.

(2) References to the Minister for Housing, Local Government and Heritage contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Climate, Energy and the Environment.

...

SCHEDULE

Dumping at Seas Act 1996 (No. 14 of 1996)

Section 4 of the Dumping at Sea (Amendment) Act 2004 (No. 4 of 2004)

Section 33 of the Foreshore and Dumping at Sea (Amendment) Act 2009 (No. 39 of 2009)

...

The history of the Minister for the Environment, Heritage and Local Government concerned with the collectively cited *Dumping at Sea Acts 1996 to 2009* can be traced as follows:

- Name of Minister for the **Environment, Heritage and Local Government** changed to **Environment, Community and Local Government** (2.05.2011) by *Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 193 of 2011), in effect as per art. 1(2).
- Name of Minister for the **Environment, Community and Local Government** changed to **Housing, Planning, Community and Local Government** (23.07.2016) by *Environment, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 394 of 2016), in effect as per art. 1(2).
- Name of Minister for **Housing, Planning, Community and Local Government** changed to **Housing, Planning and Local Government** (1.08.2017) by *Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 358 of 2017), in effect as per art. 1(2).
- Name of Minister for **Housing, Planning and Local Government** changed to **Housing, Local Government and Heritage** (30.09.2020) by *Housing, Planning and Local Government (Alteration*

of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020), in effect as per art. 1(2).

• Functions transferred and references to **Minister for Housing, Local Government and Heritage** construed as **Minister for Climate, Energy and the Environment** (1.08.2025) by *Marine Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 390 of 2025), arts. 2, 3 and sch 1, Part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 4-6, 8.

C6 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed in relation to section (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

...

Number and Year	Short Title	Provision
...	...	...
No. 14 of 1996	Dumping at Sea Act 1996	Sections 5(5) and (6), and 9(1)
...	...	...

Editorial Notes:

E7 Power pursuant to subs. (12) exercised (1.04.2021) by *Dumping At Sea Act 1996 (Section 5(12)) (Commencement) Order 2021* (S.I. No. 92 of 2021).

2. The 1st day of April 2021 is appointed as the day on which section 5 of the Dumping at Sea Act 1996 shall come into operation as respects offshore installations.

E8 Power pursuant to section exercised (23.07.2012) by *Dumping at Sea (Fees) Regulations 2012* (S.I. No. 270 of 2012).

E9 Provision for costs of certain proceedings under Act to be borne by each party in certain circumstances made (7.07.2011) by *Environment (Miscellaneous Provisions) Act 2011* (20/2011), Part 2 (ss. 3-8), commenced on enactment. The 2011 Act, s. 8 provides for judicial notice to be taken of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1998.

E10 Previous affecting provision: subs. (1)(a) amended (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(a), commenced on enactment; superseded as per F-note above.

E11 Previous affecting provision: subs. (4) amended (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(d), commenced on enactment; superseded as per F-note above.

E12 Previous affecting provision: subs. (5)(c) substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 4(e), commenced on enactment; superseded as per F-note above.

F26**[**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, F27**[**in the opinion of the Agency**]**, is likely to bring the proposal to the attention of persons who may be affected in the areas.

(2) A notice under *subsection (1)* shall contain a brief sketch map showing the location of the proposed site or sites and the approximate distance therefrom to a specified place on the mainland and brief details of the commencement and duration of the proposed activity, the characteristics, composition and the approximate amounts of any substance or material involved and the method of the proposed dredging or dumping as the case may be, 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.

(3) Except in a case of dredging which, F28**[**in the opinion of the Agency**]**, is urgently required for the purposes of navigational safety and is specified in a notice under *subsection (1)*, which is published in a newspaper circulating nationally, to be of an urgent nature for the reason or reasons stated in the notice, a person may, in writing, within—

(*a*) in the case of proposed dredging, over a period of not more than 12 months, for the maintenance of navigable depths, 21 days, or

(*b*) in any other case, 1 month,

after the date on which a notice under *subsection (1)* is published, F29**[**make a submission or observations to the Agency**]** about the proposal.

(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

(*c*) be accompanied by such documents, particulars or other information the person considers are necessary or appropriate F30**[**for the consideration by the Agency**]** of the application.

(5) F31**[**The Agency shall**]**, within 10 working days after the period within which a submission or observations may be made 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, F32**[**in the opinion of the Agency**]**, is urgently required for the purposes of navigational safety and is specified in a notice under *subsection (1)*, which is published in a newspaper circulating nationally, to be of an

urgent nature for the reason or reasons stated in the notice, F33**[**the Agency shall**]** shall not consider an application referred to in that subsection until after—

(*a*) the period specified in *subsection (3)* in respect of the proposed dredging, after publication of the notice, and

(*b*) the period of 21 days after a copy of any submission or observations has been given to the applicant under *subsection (5)* or, if the applicant responds to F34**[**the Agency**]** on the submission or observations before the end of that period, the date F34**[**the Agency**]** receives the response.

(7) F35**[**The Agency shall cause to be published by electronic means**]**—

(*a*) all applications received for permits on or after 1 August 2004, together with a copy of the notice published under *subsection (1)* in relation thereto,

(*b*) all submissions or observations under *subsection (3)* in relation to such applications, together with any comments of the applicants thereon under *subsection (5)* on or after 1 August 2004, and

(*c*) all decisions made on or after 1 January 2004 on applications for permits or to amend or revoke a permit.**]**

F36**[**(8) Decisions published in accordance with *subsection 7(c)* shall include—

(*a*) a statement that a person may question the validity of any decision by the Agency by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), and

(*b*) a statement describing where practical information on the review mechanism can be found.**]**

Annotations

Amendments:

F26 Inserted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 5, commenced on enactment.

F27 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 10, commenced as per s. 1(5).

F28 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 11, commenced as per s. 1(5).

F29 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 12, commenced as per s. 1(5).

F30 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 13, commenced as per s. 1(5).

F31 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 14, commenced as per s. 1(5).

F32 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 15, commenced as per s. 1(5).

F33 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 16, commenced as per s. 1(5).

F34 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 17, commenced as per s. 1(5).

F35 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 18, commenced as per s. 1(5).

F36 Inserted (13.07.2010) by *European Communities (Public Participation) Regulations 2010* (S.I. No. 352 of 2010), reg. 5.

Powers of authorised officers.

6.—(1) (*a*) F37**[**The Agency may appoint an officer or member of the staff of the Agency or of the Marine Institute**]** established by the Marine Institute Act, 1991, to be an authorised officer.

(*b*) F38**[**The Agency may**]** F39**[**...**]**, appoint an officer of F40**[**Inland Fisheries Ireland**]**, to be an authorised officer.

(*c*) F41**[**...**]**

(*d*) An authorised officer appointed under *paragraph (a), (b)* or *(c)* of this subsection shall, in the discharge of his functions under this section, have regard to such considerations of policy as F42**[**the Agency may**]** direct.

(*e*) Every member of the Garda Síochána shall be an authorised officer for the purposes of this Act.

F43**[**(*f*) Every member of the Permanent Defence Forces (not below the rank of leading seaman or corporal) for the time being serving on board any ship, vessel or aircraft belonging to or employed in the service of the State shall be an authorised officer for the purposes of this Act.**]**

(*g*) The F44**[**Minister for the Environment, Heritage and Local Government**]** may appoint an officer of that Minister or of the Radiological Protection Institute of Ireland to be an authorised officer.

(*h*) A harbour authority may appoint an officer of the authority to be an authorised officer and an authorised officer appointed under this paragraph may exercise the powers under this Act of an authorised officer in, but only in, the harbour of the authority.

F45**[**(2) An authorised officer may at any reasonable time enter (if necessary by the use of reasonable force) any vehicle, place or premises, and board any vessel, aircraft or offshore installation and, while there and for the purposes of this Act may—

(*a*) carry out any inspection and examination which the officer reasonably considers necessary for those purposes,

(*b*) require the person in charge to either or both—

(i) be present during the inspection and examination and to furnish such information, and

(ii) procure the attendance of any other person who is within the power of the person in charge to procure,

as the officer may reasonably require for the purposes of this Act,

(*c*) require any employee present at that vehicle, place, premises, vessel, aircraft or installation to afford the officer such facilities within that employee's power as the officer may require for the purposes of exercising functions under this Act,

(*d*) open or cause to be opened any container,

(*e*) examine (by the carrying out of tests or otherwise) and take samples of any material or substance,

(*f*) carry out, or have carried out, such tests, examinations, analyses, inspections and checks of—

(i) that vehicle, place, premises, vessel, aircraft or installation, or

(ii) any relevant thing at that vehicle, place, premises, vessel, aircraft or installation,

as the authorised officer reasonably considers being necessary for the purpose of exercising functions under this Act,

(*g*) require any person at, or the owner or other person in charge of, that vehicle, place, premises, vessel, aircraft or installation to give the authorised officer such assistance and information and to produce to that officer such documents or other records (and in the case of documents or records stored in non-legible form, produce to that officer a legible reproduction thereof) that are in that person's power or control, as that officer may reasonably require for the purpose of exercising functions under this Act,

(*h*) inspect, examine and take copies of, or extracts from, any such document or other record and require the person by whom any such document is kept or who produced the document to certify a copy of that document or other record (including a copy in a legible form of a record kept in an non-legible form) as a true copy,

(*i*) except where—

(i) the document or other record concerned is required by law to be kept or maintained at the vehicle, place, premises, vessel, aircraft or installation concerned, and

(ii) (I) the officer has reasonable grounds for believing that the document or other record will be destroyed or tampered with if it is not retained by the officer, and

(II) it is not practicable in the circumstances to make a copy of that document or record,

retain any document or other record for such period as the officer reasonably considers is necessary for the purposes of exercising functions under this Act,

(*j*) take possession of any container, product, article or substance found at the vehicle, place, premises, vessel, aircraft or installation and retain it for such period as is necessary for any of the following purposes:

(i) to enable its examination;

(ii) to ensure that it is not tampered with before the examination is complete;

(iii) to ensure that it is available to be adduced as evidence in any proceedings,

(*k*) take photographs or make any record or visual recording of any relevant activity carried on at the vehicle, place, premises, vessel, aircraft or installation concerned, and

(*l*) monitor the effects of any dumping. **]**

(3) For the purpose of entering a vehicle, place or premises or boarding a vessel, aircraft or offshore installation, an authorised officer may require the person in charge to do anything that will facilitate entry or boarding and the power conferred by this subsection includes power, in the case of a vehicle, vessel or installation, to require the person in charge to stop it.

(4) An authorised officer may, for the purposes of this Act, require the attendance of the master of a vessel, the pilot in command of an aircraft or the person in charge of an offshore installation and may, for the purposes aforesaid, make of such master, pilot or person any inquiry which appears to the officer to be necessary.

(5) Where an authorised officer reasonably suspects that, in relation to a vessel, aircraft or offshore installation, in the maritime area or in a harbour, airport or other place in the State, a contravention of this Act is taking, or has taken, place, he may detain the vessel, aircraft or offshore installation at any place in the maritime area or at any convenient harbour, airport or other place in the State until the happening of one of the following—

(*a*) in the case of dumping or loading, that is suspected to be in contravention of this Act, the production to the officer of a permit under this Act authorising the dumping or loading,

(*b*) the officer's becoming satisfied that a contravention of this Act has not taken place in relation to the vessel, aircraft or installation,

(*c*) the final determination of any court proceedings (including any appeal, re-trial or other proceedings) in respect of such a contravention as aforesaid and the payment of any fine imposed in the proceedings,

(*d*) the giving of security which, in the opinion of a judge of the District Court, is satisfactory for payment, in the event of a conviction of an offence in relation to the said contravention or in the event of a failure by a defendant in any proceedings in relation to such a contravention to attend before any court when such attendance is required for the purposes of the proceedings, of a sum that in the opinion of the judge is sufficient to provide for—

(i) payment of the maximum fine or fines ordered, or which may be ordered, to be paid in respect of the offence or offences, and

(ii) the estimated amount of the costs (if any) of any trials, appeals or other proceedings in relation to the offence or offences concerned awarded, or which may be awarded, against the defendant concerned,

or require the said vessel, aircraft or offshore installation to be removed from such maritime area, harbour, airport or other place.

(6) The security provided for in *subsection (5)* of this section is in addition to and not in substitution for any other bond or recognisance which the defendant concerned may be required to enter into by the judge of the District Court concerned in relation to any trials, appeals or other proceedings in relation to the offence or offences.

(7) Where an authorised officer has detained a vessel or offshore installation under this section—

(*a*) any authorised officer may, if the vessel or offshore installation, as the case may be, is not in a harbour, take it to the nearest or most convenient harbour or place in the maritime area, or

(*b*) any authorised officer may, if the vessel or offshore installation, as the case may be, is in a harbour detain it at that harbour or take it to a more convenient harbour or place in the maritime area,

and there detain it until the happening of one of the events described in *paragraphs (a)* to *(d)* of *section 6 (5)*.

(8) Where an authorised officer has, in the exercise of the powers conferred on him by this section, detained a vessel, aircraft or offshore installation, any authorised officer who suspects that in relation to the vessel, aircraft or offshore installation, as the case may be, a contravention of this Act is taking or has taken place shall, as soon as may be, apply to a judge of the District Court for an order authorising the continued detention of all persons on board the vessel, aircraft or offshore installation, as the case may be, and the said judge may, if he is satisfied that the authorised officer applying for the order so suspects, make an order authorising the detention of those persons for a period of 48 hours from the time of the making of the order.

F46**[**(8A) (*a*) An authorised officer shall not enter so much of a vehicle, place, premises, vessel, aircraft or installation that consists of a dwelling, other than—

(i) with the consent of the occupier, or

(ii) in accordance with a warrant issued under *paragraph (b)*.

(*b*) Upon the application of an authorised officer, a judge of the District Court, if satisfied that there are reasonable grounds for believing that—

(i) a relevant thing is to be found in any dwelling, or is being or has been subjected to any process or stored in any dwelling, or

(ii) documents or other records referred to in *subsection (2)(g)* are being stored or kept in any dwelling,

may issue a warrant authorising a named authorised officer accompanied by such other authorised officers or persons with expertise relating to any relevant thing, as may be necessary, at any time or times within one month of the date of issue of the warrant, to enter the dwelling and perform any of the functions of an authorised officer under this section.**]**

F47**[**(9) Any person who—

(*a*) obstructs or interferes with an authorised officer or a person with expertise relating to any relevant thing, in the course of performing a function conferred under this section or a warrant under *subsection (8A)*,

(*b*) impedes the performance by the authorised officer or person with expertise, as the case may be, of such function or fails or refuses to comply with a request or requirement of, or to answer a question asked by, the officer, member, or person with expertise, as the case may be, pursuant to this paragraph, or

(*c*) in purported compliance with such request or requirement or in answer to such question gives information to the officer, member, or person with expertise, as the case may be, that that person knows to be false or misleading in any material respect,

commits an offence.

(9A) (*a*) Where an authorised officer, upon reasonable grounds, believes that a person has committed an offence under this Act, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

(*b*) A person who, without reasonable excuse, does not comply with a requirement under *paragraph (a)* commits an offence.

(9B) A statement or admission made by a person pursuant to a requirement under *subsection (2)(g)* shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under *subsection (9)*).

(9C) A person who falsely represents himself or herself to be an authorised officer commits an offence.

(9D) Nothing in this paragraph shall be taken to compel the production by any person of a document which that person would be exempt from producing in proceedings in a court on the ground of legal professional privilege.**]**

(10) A person who, immediately before the commencement of this section, was an authorised officer under the Dumping at Sea Act, 1981, shall be an authorised officer for the purposes of this Act.

(11) An authorised officer (other than a member of the Defence Forces or a member of the Garda Síochána) shall be furnished with a certificate of his appointment and, when performing any function under this section, the officer shall, if requested by any person affected, produce the certificate to that person.

(12) No action or other legal proceedings, whether civil or criminal, shall be instituted in any court in respect of the doing of anything authorised to be done by an authorised officer under this section, whether such thing is done personally by an authorised officer or by a person acting on the orders or instructions of an authorised officer.

F48**[**(13) In this section "other record" includes, in addition to a document—

(*a*) a disc, tape, sound-track or other device, including an electronic device, in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

(*b*) a film, tape, disc or other device, including an electronic device, in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form,

(*c*) a photograph,

and any reference to a copy of a record includes—

(i) in the case of a record to which *paragraph (a)* applies, a transcript of the sounds or signals embodied in it,

(ii) in the case of a record to which *paragraph (b)* applies, a still reproduction of the images embodied in it, and

(iii) in the case of a record to which *paragraphs (a)* and *(b)* apply, such a transcript together with such a still reproduction.**]**

Annotations

Amendments:

F37 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 19, commenced as per s. 1(5).

F38 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 20, commenced as per s. 1(5).

F39 Deleted (1.06.2010) by *Inland Fisheries Act 2010* (10/2010), s. 8(3)(a) and sch. 2, part 9, item 1(a)(i), commenced on enactment.

F40 Substituted (1.07.2010) by *Inland Fisheries Act 2010* (10/2010), s. 8(3)(a) and sch. 2, part 9, item 1(a)(ii), commenced on enactment.

F41 Deleted (1.06.2010) by *Inland Fisheries Act 2010* (10/2010), s. 8(3)(a) and sch. 2, part 9, item 1(b), commenced on enactment.

F42 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 22, commenced as per s. 1(5).

F43 Substituted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(b), commenced on enactment.

F44 Substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 6, commenced on enactment.

F45 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 34(a), commenced as per s. 1(5), subject to transitional provision in s. 38(3).

F46 Inserted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 34(b), commenced as per s. 1(5).

F47 Substituted and inserted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 34(c), commenced as per s. 1(5).

F48 Inserted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 34(d), commenced as per s. 1(5).

Modifications (not altering text):

C7 Functions under subs. (1)(g) transferred (22.07.2016) by *Climate Action and Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2016* (S.I. No. 393 of 2016), art. 3(1)(a) and sch. 1, in effect as per art. 1(2).

3. (1) The functions conferred on the Minister for the Environment, Community and Local Government by or under any of the provisions of—

(*a*) the enactments specified in Schedule 1, and ...

are transferred to the Minister for Communications, Energy and Natural Resources.

...

Schedule 1

Article 3(1)(a)

Enactments, functions by or under which are transferred from the Minister for the Environment, Community and Local Government to the Minister for Communications, Energy and Natural Resources.

...

Section 6(1)(*g*) of the Dumping at Sea Act 1996 (No. 14 of 1996)

...

C8 Term "Radiological Protection Institute of Ireland" construed (1.08.2014, dissolution day) by *Radiological Protection (Miscellaneous Provisions) Act 2014* (20/2014), s. 6(2), S.I. No. 360 of 2014.

Transfer of functions to Environmental Protection Agency

6. (1) All functions that, immediately before the dissolution day, were vested in the dissolved body by or under any enactment shall on that day stand transferred to the Agency.

(2) References in any enactment (other than this Act) passed before the dissolution day, or in any instrument made before the dissolution day under an enactment, to the Radiological Protection Institute of Ireland shall, on and after the dissolution day, be construed as references to the Agency.

...

C9 Functions under subs. (1)(b) transferred (1.06.2010) by *Inland Fisheries Act 2010* (10/2010), s. 8(2), subject to transitional provision in subs. (4), commenced on enactment.

Transfer of functions to IFI.

8.— ...

(2) The functions vested in the Central Board or a regional board by or under—

(a) the provisions of the enactments mentioned in Schedule 2 , and

...

are, on the establishment day, transferred to IFI.

SCHEDULE 2

...

PART 9

AMENDMENT OF DUMPING AT SEA ACT 1996

...

C10 Provision for continuance of appointment as authorised officer made (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 38(3), commenced as per s. 1(5).

Transitional provision (Part 3).

38.—

(3) A person appointed before the passing of this Act as an authorised officer pursuant to section 6 of the Dumping at Sea Act 1996 (including any person to whom subsection (10) of that section relates) shall, where such appointment is in force upon such passing, continue to be an authorised officer. Without prejudice to any other form of termination as an authorised officer duly exercised, a person to whom this paragraph relates shall continue to be an authorised officer for the period to which the appointment relates or, in the case of an officer of the Minister for Agriculture, Fisheries and Food until terminated earlier by that Minister or the Agency.

...

Editorial Notes:

E13 Previous affecting provision: subs. (1)(c) amended (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 21, commenced as per s. 1(5); superseded as per F-note above.

Provisions in relation to offences.

7. —F49**[**(1) Summary proceedings in respect of an offence under this Act may be brought and prosecuted by the Agency.

(2) Summary proceedings in respect of an offence committed in the harbour of a harbour authority may be brought by the Agency or the authority.**]**

(3) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted—

(*a*) in every case, within two years from the date of the offence, and

(*b*) if at the expiration of that period, the person to be charged is outside the State, within six months of the date on which he enters the State.

(4) Proceedings for an offence under this Act committed in the maritime area may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State.

(5) Where an offence under this Act is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person being a director, manager, secretary or other similar officer of the body or being a person who was purporting to act in any such capacity, that person, as well as the body, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) Without prejudice to any other jurisdiction, proceedings in relation to an offence under this Act may be brought against a person at any place where that person may, for the time being, be.

Annotations

Amendments:

F49 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 36, commenced as per s. 1(5).

Indictment of bodies corporate.

8.—(1) A body corporate may be sent forward for trial on indictment for an offence under this Act with or without recognisances.

(2) On arraignment before the Central Criminal Court or the Circuit Court, the body corporate may enter in writing by its representative a plea of guilty or not guilty and, if it does not appear by a representative appointed by it for the purpose, or, though it does so appear, fails to enter any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the body corporate had duly entered that plea.

(3) A statement in writing purporting to be signed by the secretary of the body corporate to the effect that the person named in the statement has been appointed as the representative of the body for the purpose of this section shall be admissible without further proof as evidence that that person has been so appointed.

(4) Any summons or other document required to be served for the purpose or in the course of proceedings under this section on a body corporate may be served by leaving it at or sending it by registered post to the registered office of that body or, if there be no such office in the State, by leaving it at, or sending it by registered post to, the body at any place in the State at which it conducts its business.

Collection and application of fines.

9.—(1) Subject to *subsection (3)*, all fines in respect of offences under this Act shall be paid into the Exchequer in accordance with such directions as may, from time to time, be given by the Minister for Finance.

(2) Where a fine imposed on a person under this Act is not duly paid, the court may, without prejudice to any other powers for enforcing payment, direct the amount remaining unpaid to be levied by distress and sale of the vessel, aircraft or offshore installation concerned and its tackle, fixtures, fittings and equipment.

(3) Where it appears to a court imposing a fine that any person has incurred or will incur expense in removing any vessel, aircraft, offshore installation, substance or material which has been dumped or unlawfully disposed of or in making good any damage attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying the expense.

Annotations

Modifications (not altering text):

C11 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed in relation to subs. (2) (29.07.2011) by*Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 partt 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

...

Number and Year	Short Title	Provision
...	...	...
No. 14 of 1996	Dumping at Sea Act 1996	Sections 5(5) and (6), and 9(1)
...	...	...

Penalties.

10.—(1) A person guilty of an offence under this Act shall be liable, on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding 5 years or to both the fine and the imprisonment.

(2) A judge of the District Court shall have jurisdiction to try summarily an offence under this Act if—

(*a*) the judge is of the opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily,

(*b*) the Attorney General F50**[**or the Director of Public Prosecutions, from the day appointed by an order made under *section 12* (inserted by section 103 of the Sea-Fisheries and Maritime Jurisdiction Act 2006) of this Act,**]** consents, and

(*c*) the defendant (on being informed by the judge of the right to be tried by a jury) does not object to being tried summarily,

and upon conviction under this subsection, the said defendant shall be liable to a fine not exceeding F51**[**€3,000**]** or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment.

(3) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this Act as if, in lieu of the penalties specified in subsection (3) of the said section 13, there were specified therein the penalty provided for by *subsection (2)* of this section, and the reference in *subsection* (2) (*a*) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(4) A person guilty of an offence under this Act shall be liable, on summary conviction, to a fine not exceeding F51**[**€3,000**]** or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment.

(5) Where a judge of the District Court proposes to make an order for the release on bail of a defendant before him charged with an offence under this Act who is ordinarily resident outside the State, he shall (unless he is satisfied that all documents including an indictment required by law to be served on the defendant in connection with or for the purpose of the charge or of any proceedings arising out of or connected with the charge can be duly served on the defendant in the State) direct that those documents may, in lieu of being served on the defendant, be served on a person who is ordinarily resident in the State.

(6) Where a judge of the District Court who has given a direction under this section or another judge of the District Court acting in his place is satisfied that, owing to the death or absence from the State of a person specified in the direction or for any other reason, a document referred to in *subsection (5)* cannot be served on that

person, the judge shall direct that the document may be served on another person who is ordinarily resident in the State.

(7) Service of a document referred to in this section on a person specified in a direction under this section shall be deemed for all purposes to be service on the defendant concerned.

Annotations

Amendments:

F50 Inserted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(c), commenced on enactment.

F51 Substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 7(a) and (b), commenced on enactment.

Prosecution of offences by Attorney General.

11.—(1) Section 3 of the Prosecution of Offences Act, 1974, shall not apply to the prosecution of an offence under this Act or to any functions in relation to that matter to which, but for this subsection, it would apply.

(2) References in Part II of the Criminal Procedure Act, 1967, and section 62 of the Courts of Justice Act, 1936, to the Director of Public Prosecutions shall, in so far as that Part and those sections apply in relation to an offence referred to in *subsection (1)* of this section or to any functions referred to in that subsection, be construed as references to the Attorney General.

F52**[**Prosecution of offences by DPP.

12.— (1) The Government, on the request of the Attorney General, may by order appoint a day from which the Director of Public Prosecutions, subject to *subsection (2)*, is the prosecutor, in lieu of the Attorney General, of offences under this Act. That order shall be laid before each House of the Oireachtas as soon as may be after it is made.

(2) Any proceedings which have been instituted in the name of the Attorney General before the commencement of an order under subsection (1) are still pending and have not been determined before that commencement continue in the name of the Attorney General after that commencement.

(3) *Section 11* of this Act stands repealed upon the commencement of an order made under *subsection (1)*.**]**

Annotations

Amendments:

F52 Inserted (4.04.2006) by *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103(d), commenced on enactment.

Editorial Notes:

E14 Previous affecting provision: section repealed (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 10, commenced on enactment; superseded as per F-note above.

Fees.

13. —F53**[**...**]**

Annotations

Amendments:

F53 Repealed (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 37, commenced as per s. 1(5).

Expenses.

14.— The expenses incurred by F54**[**a Minister of the Government**]** in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Annotations

Amendments:

F54 Substituted (15.02.2010) by *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), s. 35 and sch. 2 item 23, commenced as per s. 1(5).

Repeal of Act of 1981.

15.—The Dumping at Sea Act, 1981, is hereby repealed.

Short title, collective citation and collective construction.

16.—(1) This Act may be cited as the Dumping at Sea Act, 1996.

(2) F55**[**...**]**

Annotations

Amendments:

F55 Repealed (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s.10, commenced on enactment.

Section 5.

FIRST SCHEDULE

Criteria as to the Grant of Permits for Dumping

A—Characteristics and composition of the substance or material

1. Amount and composition.

2. Form, e.g. solid, sludge, liquid.

3. Properties: physical (especially solubility, specific gravity and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites, etc.).

4. Toxicity.

5. Persistence: physical, chemical and biological.

6. Accumulation and biotransformation in biological materials or sediments.

7. Chemical and physical changes of waste after release, including possible formation of new compounds.

8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B—Characteristics of dumping site and method of deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).

2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).

3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release.

5. Dispersal, horizontal transport and vertical mixing characteristics.

6. Water characteristics (e.g. temperature, pH, salinity, oxygen indices of pollution-dissolved oxygen (DO), nitrate, nitrite, ammonia, phosphate and suspended matter).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and benthic macro-fauna).

8. Existence and effects of current and previous discharges and dumping in the area (including accumulative effects).

C—General considerations and conditions

F56**[**1. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish spawning and nursery habitats, fish and shellfish culture, areas of special scientific importance, areas of natural or archaeological heritage importance, biological diversity (including diversity within species, between species, and of ecosystems) and other legitimate use of the sea.

1A. Results of the National Seabed Survey.**]**

2. In applying these provisions the practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the substance or material less harmful for dumping at sea, will be taken into consideration.

Annotations

Amendments:

F56 Substituted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 8, commenced on enactment.

Section 5.

SECOND SCHEDULE

Part 1

The Exceptions to the Prohibition on Dumping as contained in Annex II to the Convention for the Protection of the Marine Environment of the North-East Atlantic done at Paris on the 22nd day of September, 1992

Article 3

(*a*) dredged material;

(*b*) inert materials of natural origin, that is solid, chemically unprocessed geological material the chemical constituents of which are unlikely to be released into the marine environment;

(*c*) sewage sludge until 31st December, 1998;

(*d*) F57**[**...**]**

(*e*) vessels or aircraft until, at the latest, 31st December, 2004.

Annotations

Amendments:

F57 Deleted (3.11.2004) by *Dumping at Sea (Amendment) Act 2004* (35/2004), s. 9, commenced on enactment.

Part 2

The Exceptions to the Prohibition on Dumping permitted in accordance with Annex III to the Convention for the Protection of the Marine Environment of the North-East Atlantic done at Paris on the 22nd day of September, 1992

Disused offshore installations dumped in accordance with a permit issued by the competent authority of the relevant Contracting Party on a case-by-case basis:

Provided that the Contracting Parties shall—

(*a*) ensure that their authorities, when granting permits, implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention, and

(*b*) refuse to issue a permit if the disused offshore installation contains substances which result, or are likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

ACTS REFERRED TO

Companies Acts, 1963 to 1990	
Continental Shelf Act, 1968	1968, No. 14
Courts of Justice Act, 1936	1936, No. 48
Criminal Procedure Act, 1967	1967, No. 12
Dumping at Sea Act, 1981	1981, No. 8
Fisheries Act, 1980	1980, No. 1
Fishery Harbour Centres Act, 1968	1968, No. 18
Harbours Act, 1946	1946, No. 9
Marine Institute Act, 1991	1991, No. 2
Maritime Jurisdiction Acts, 1959 to 1988	
Mercantile Marine Act, 1955	1955, No. 29
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Prosecution of Offences Act, 1974	1974, No. 22
Public Offices Fees Act, 1879	1879, c. 58
Sea Pollution Act, 1991	1991, No. 27

Number 14 *of* 1996

DUMPING AT SEA ACT 1996

REVISED

Updated to 1 August 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Dumping at Sea Acts 1996 to 2009: this Act is one of a group of Acts included in this collective citation to be construed together as one (*Foreshore and Dumping at Sea (Amendment) Act 2009*, s. 1(3)). The Acts in the group are:

- *Dumping at Sea Act* (14/1996)
- *Dumping at Sea (Amendment) Act 2004* (35/2004)
- *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 103
- *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009), part 3, s. 1 (other than subss. (2), (4)) and sch. 2

Sea Pollution Acts 1991 to 2014: this Act, s. 12 is one of a group of Acts included in this collective citation to be construed together as one (*Local Government Reform Act 2014*, s. 1(20)). The Acts in the group are:

- *Sea Pollution Act 1991* (27/1991)
- *Energy (Miscellaneous Provisions) Act 1995* (35/1995) insofar as it amends *Sea Pollution Act 1991* (now repealed)
- *Dumping at Sea Act 1996* (14/1996), s. 12
- *Sea Pollution (Amendment) Act 1999* (18/1999)
- *Sea Pollution (Miscellaneous Provisions) Act 2006* (29/2006), s. 1(3) and Part 3 (ss. 19-37)
- *Local Government Reform Act 2014* (1/2014), s. 1(20) and the amendments to the *Sea Pollution (Amendment) Act 1999* and the *Sea Pollution (Miscellaneous Provisions) Act 2006* provided for in s. 5(6) and Part 6 of Schedule 2

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Maritime Jurisdiction Act 2021* (28/2021)
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Radiological Protection (Miscellaneous Provisions) Act 2014* (20/2014)
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011)
- *Inland Fisheries Act 2010* (10/2010)
- *Foreshore and Dumping at Sea (Amendment) Act 2009* (39/2009)
- *Sea Fisheries and Maritime Jurisdiction Act 2006* (8/2006)
- *Dumping at Sea (Amendment) Act 2004* (35/2004)

All Acts up to and including *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Marine Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 390 of 2025)
- *Dumping At Sea Act 1996 (Section 5(12)) (Commencement) Order 2021* (S.I. No. 92 of 2021)
- *Climate Action and Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2016* (S.I. No. 393 of 2016)
- *Dumping at Sea (Fees) Regulations 2012* (S.I. No. 270 of 2012)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *European Communities (Public Participation) Regulations 2010* (S.I. No. 352 of 2010)
- *European Communities Environmental Objectives (Surface Waters) Regulations 2009* (S.I. No. 272 of 2009)
- *Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) (Order) 2007* (S.I. No. 707 of 2007)
- *European Communities (Natural Habitats) Regulations 1997* (S.I. No. 94 of 1997)

All statutory instruments up to and including *Urban Wastewater (Nutrient - Sensitive Areas) Regulations 2025* (S.I. No. 403 of 2025), made 1 August 2025, were considered in the preparation of this revision.