



---

Number 39 of 2009

---

**FORESHORE AND DUMPING AT SEA (AMENDMENT)  
ACT 2009**

---

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, construction, collective citation and commencement.

PART 2

FORESHORE

CHAPTER 1

*Definitions (Part 2)*

2. Definitions.

CHAPTER 2

*Transfer and vesting of, and additional, foreshore functions*

3. Transfer and vesting of certain foreshore functions.
4. Vesting of additional foreshore functions in Minister for the Environment, Heritage and Local Government, etc.

CHAPTER 3

*Amendments to Foreshore Acts 1933 to 2005*

5. Amendment of section 1 (definitions) of Act of 1933.
6. Meaning assigned to “appropriate Minister” and references to foreshore, etc.
7. Amendment of section 2 (power for Minister to make leases of foreshore) of Act of 1933.
8. Amendment of section 3 (power for Minister to grant licences of foreshore) of Act of 1933.

9. Amendment of references to “Justice” in Act of 1933.
10. Amendment of section 13A (environmental impact assessment of certain proposals relating to the foreshore) of Act of 1933.
11. Deletion of reference to Irish Land Commission in Act of 1933.
12. Regulations relating to the submission of observations by certain bodies.
13. Procedure in regard to certain relevant applications.
14. Amendment of section 19B (Minister to have regard to certain matters in considering certain relevant applications) of Act of 1933.
15. Publication of notice of Minister’s decision in relation to certain relevant applications.
16. Amendment of section 1 (interpretation) of Act of 1992.
17. Amendment of section 5 (High Court’s power to prohibit continuance of certain contraventions of Act of 1933) of Act of 1992.
18. Amendment of section 6 (powers of courts, Minister, local authorities, etc., in relation to mitigating and remedying effects of contravention of certain orders and notices, etc.) of Act of 1992.
19. Amendment of section 7 (provisions relating to prosecution of summary offences) of Act of 1992.
20. Amendment of section 1 (interpretation) of Fisheries and Foreshore (Amendment) Act 1998.
21. Amendment of section 32 (foreshore application and other fees) of the Fisheries (Amendment) Act 2003.

#### CHAPTER 4

##### *Transitional provisions relating to Foreshore Acts 1933 to 2009*

22. Preservation of certain continuing contracts and adaptation of certain references to Minister for Agriculture, Fisheries and Food in certain documents.
23. Saving and amendment of certain statutory instruments made by Minister for Agriculture, Fisheries and Food.
24. Transfer of certain property and liabilities of Minister for Agriculture, Fisheries and Food.
25. Effect of transfer of functions on certain acts performed and documents.
26. Pending legal proceedings.
27. Completion of certain matters commenced by Minister for Agriculture, Fisheries and Food.

PART 3

DUMPING AT SEA

CHAPTER 1

*Preliminary and General (Part 3)*

28. Definitions (*Part 3*).

CHAPTER 2

*Transfer and vesting of dumping at sea functions*

29. Transfer and vesting of dumping at sea functions.

CHAPTER 3

*Amendments to Act of 1996*

30. Amendment of section 1 (interpretation) of Act of 1996.
31. Amendment of section 2 (restrictions on dumping at sea of vessels, aircraft, substances and material) of Act of 1996.
32. Amendment of section 4 (prohibition of disposal of offshore installations and certain substances or material) of Act of 1996.
33. Amendment of section 5 (permits in relation to dumping) of Act of 1996.
34. Amendment of section 6 (powers of authorised officers) of Act of 1996.
35. Supplemental amendments to Act of 1996.
36. Provisions in relation to offences.
37. Repeal of section 13 (fees) of Act of 1996.

CHAPTER 4

*Transitional provision relating to Dumping at Sea Acts 1996 to 2009*

38. Transitional provision (*Part 3*).

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS TO FORESHORE ACT 1933

PART 1

SUPPLEMENTAL AMENDMENTS RELATING TO “APPROPRIATE MINISTER”,  
ETC., IN FORESHORE ACT 1933

PART 2

AMENDMENTS RELATING TO “THE STATE” IN FORESHORE ACT 1933

SCHEDULE 2

SUPPLEMENTAL AMENDMENTS RELATING TO “AGENCY”, ETC., IN  
DUMPING AT SEA ACT 1996

[No. 39.] *Foreshore and Dumping at Sea* [2009.]  
(Amendment) Act 2009.

ACTS REFERRED TO

Companies Acts	
Dumping at Sea Act 1996	1996, No. 14
Dumping at Sea Acts 1996 to 2006	
Fisheries (Amendment) Act 1997	1997, No. 23
Fisheries (Amendment) Act 2003	2003, No. 21
Fisheries and Foreshore (Amendment) Act 1998	1998, No. 54
Fishery Harbour Centres Act 1968	1968, No. 18
Foreshore Acts 1933 to 2005	
Foreshore Act 1933	1933, No. 12
Foreshore (Amendment) Act 1992	1992, No. 17
Foyle and Carlingford Fisheries Act 2007	2007, No. 17
Harbours Act 1946	1946, No. 9
Harbours Act 1996	1996, No. 11
Harbours Acts 1946 to 2005	
Harbours Acts 1996 to 2009	
Local Government Act 2001	2001, No. 37
Maritime Safety Act 2005	2005, No. 11
Ministers and Secretaries (Amendment) Act 1939	1939, No. 36



---

Number 39 of 2009

---

**FORESHORE AND DUMPING AT SEA (AMENDMENT)  
ACT 2009**

---

AN ACT TO PROVIDE FOR THE TRANSFER OF CERTAIN FUNCTIONS RELATING TO THE FORESHORE FROM THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD TO THE MINISTER FOR THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT AND FOR THAT AND OTHER PURPOSES TO AMEND AND EXTEND THE FORESHORE ACTS 1933 TO 2005 AND TO PROVIDE FOR THE TRANSFER OF OTHER FUNCTIONS RELATING TO THE FORESHORE TO THE MINISTER FOR THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT, TO PROVIDE FOR THE TRANSFER OF CERTAIN FUNCTIONS RELATING TO DUMPING AT SEA FROM THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD TO THE ENVIRONMENTAL PROTECTION AGENCY AND FOR THAT AND OTHER PURPOSES TO AMEND AND EXTEND THE DUMPING AT SEA ACTS 1996 TO 2006, AND TO PROVIDE FOR CONNECTED MATTERS.

[15th December, 2009]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Foreshore and Dumping at Sea (Amendment) Act 2009.

Short title, construction, collective citation and commencement.

(2) The Foreshore Acts 1933 to 2005, section 35 of the Foyle and Carlingford Fisheries Act 2007, and this Act (other than *subsections (3) and (5), Part 3 and Schedule 2*) may be cited together as the Foreshore Acts 1933 to 2009 and shall be construed together as one.

(3) The Dumping at Sea Acts 1996 to 2006, Part 3, this section (other than *subsections (2) and (4)*) and *Schedule 2* may be cited together as the Dumping at Sea Acts 1996 to 2009 and shall be construed together as one.

(4) *Part 2 and Schedule 1* come into operation one month after the passing of this Act.

(5) *Part 3* and *Schedule 2* come into operation 2 months after the passing of this Act.

## PART 2

## FORESHORE

## CHAPTER 1

*Definitions (Part 2)*

Definitions.

2.—In this Part—

“Act of 1933” means the Foreshore Act 1933;

“Act of 1992” means the Foreshore (Amendment) Act 1992;

“commencement date” means the date on which this Part and *Schedule 1* come into operation under *section 1(4)*.

## CHAPTER 2

*Transfer and vesting of, and additional, foreshore functions*

Transfer and vesting of certain foreshore functions.

3.—(1) Such of the functions, immediately before the commencement date, of the Minister for Agriculture, Fisheries and Food under the Foreshore Acts 1933 to 2005 to which this Part and *Schedule 1* relate are, on that date, transferred to the Minister for the Environment, Heritage and Local Government in accordance with and to the extent provided for by this Part and that Schedule and those provisions have effect for the purpose of vesting in the Minister for the Environment, Heritage and Local Government the functions so transferred.

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

Vesting of additional foreshore functions in Minister for the Environment, Heritage and Local Government, etc.

4.—(1) The functions of the Minister for the Environment, Heritage and Local Government and the Minister for Agriculture, Fisheries and Food under the *Foreshore Acts 1933 to 2009* and to which *section 1B* (inserted by *section 6*) of the Act of 1933 relates may be vested in the same Minister of the Government pursuant to an order under *section 6(1)* of the Ministers and Secretaries (Amendment) Act 1939.

(2) In relation to the functions of the Minister for the Environment, Heritage and Local Government under the *Foreshore Acts 1933 to 2009*, any function vested in another Minister of the Government by or under any provision of any other Act, where that function relates or corresponds to functions of the Minister for the Environment, Heritage and Local Government under the *Foreshore Acts 1933 to 2009*, may be transferred under *section 6(1)* of the Ministers and Secretaries (Amendment) Act 1939 to the Minister for the

Environment, Heritage and Local Government and, for that purpose, such order may also—

- (a) in respect of provisions containing the function which so relates or corresponds, transfer to any Minister of the Government some or all of the function which does not so relate or correspond,
- (b) transfer the functions concerned to the Minister for the Environment, Heritage and Local Government notwithstanding any requirement relating to the consent or approval of or consultation with that Minister would be required as part of the exercise by that other Minister of the function concerned before such transfer,
- (c) transfer to the Department of State concerned the administration and business in connection with the exercise, performance or execution of any functions transferred by section 6(1) of the Ministers and Secretaries (Amendment) Act 1939 and to which *paragraph (a)* or *(b)* relate.

### CHAPTER 3

#### *Amendments to Foreshore Acts 1933 to 2005*

5.—Section 1 of the Act of 1933 is amended—

Amendment of  
section 1  
(definitions) of Act  
of 1933.

- (a) by deleting the definition of “the Minister”, and
- (b) by deleting so much of that section as occurs after the interpretation given to the word “term” and inserting the following:

“the word ‘aquaculture’ has the same meaning as it has for the purposes of the Fisheries (Amendment) Act 1997;

the word ‘development’ means the carrying out of any works on, in, over or under the foreshore or the making of any material change in the use of any structures on the foreshore;

the expression ‘fishery harbour centre’ means any area defined by an order for the time being in force under section 2 of the Fishery Harbour Centres Act 1968 and declared by such order to be a fishery harbour centre;

the word ‘harbour’ means—

- (a) a harbour, functions in respect of which are conferred on a company (within the meaning of the Harbours Act 1996) by or under that Act, and
- (b) the harbour of a harbour authority within the meaning of the Harbours Act 1946,

and references to ‘port’ shall be construed accordingly.”.

Meaning assigned to “appropriate Minister” and references to foreshore, etc.

6.—(1) The Act of 1933 is amended by inserting the following after section 1A (inserted by section 60(b) of the Maritime Safety Act 2005):

“Meaning assigned to ‘appropriate Minister’ in *Foreshore Acts 1933 to 2009*.”

1B.—(1) In the *Foreshore Acts 1933 to 2009* ‘appropriate Minister’ means—

- (a) in relation to a function exercisable in respect of harbour or port related development (other than development of a fishery harbour centre) including expansion or relocation of such port or harbour, or development intended for commercial trade, the Minister for the Environment, Heritage and Local Government,
- (b) in relation to a function (in addition to a function to which paragraph (a) relates) exercisable—
  - (i) in respect of the use of a natural resource (other than sea-fish or the product of aquaculture) located under, on or above the foreshore for commercial, research or other use by using the natural resource as a means of—
    - (I) generating electricity,
    - (II) making or using any other form of energy,
  - (ii) extracting a natural resource (other than sea-fish, or the product of aquaculture) located under, on or above the foreshore, or
  - (iii) relating to waste disposal or treatment or water quality,

and any use that is ancillary to matters to which this paragraph relates, the Minister for the Environment, Heritage and Local Government,
- (c) in relation to a fishery harbour centre, the Minister for Agriculture, Fisheries and Food,
- (d) in relation to a function (other than a function to which paragraph (a) or (b) relates)—
  - (i) in respect of an activity which is wholly or primarily for the use, development or support of aquaculture, including aquaculture in a harbour or port,



- (ii) in respect of an activity which is wholly or primarily for the use, development or support of sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish, or
- (iii) otherwise exercisable under the *Foreshore Acts 1933 to 2009*,

the Minister for Agriculture, Fisheries and Food.

(2) In subsection (1)(a) 'commercial trade' means any activity under, on, or above the foreshore which is not wholly or primarily for the use, development or support of sea-fishing or aquaculture.

References to foreshore in *Foreshore Acts 1933 to 2009*. 1C.—References in the *Foreshore Acts 1933 to 2009* to foreshore belonging to the State shall be construed as references to foreshore which for the time being belongs to the State, including foreshore so belonging whether by virtue of Article 10.2 of the Constitution or otherwise.”.

- (2) (a) In so far as it relates to section 1B (inserted by *subsection (1)*) of the Act of 1933, *Part 1 of Schedule 1* applies for the purposes of supplementing that section, and accordingly the Act of 1933 is amended in the manner set out in that Part.
- (b) In so far as it relates to section 1C (inserted by *subsection (1)*) of the Act of 1933, *Part 2 of Schedule 1* applies for the purposes of supplementing that section, and accordingly the Act of 1933 is amended in the manner set out in that Part.

7.—Section 2 of the Act of 1933 is amended—

- (a) by inserting the following after subsection (1):

“(1A) Where the Minister for Agriculture, Fisheries and Food or the Minister for the Environment, Heritage and Local Government (being the appropriate Minister) is considering making a lease in accordance with this section, then the Minister so considering shall consult with the other Minister on the matter before deciding on whether or not to make the lease.”,

and

- (b) by substituting the following for subsection (3):

“(3) Notwithstanding anything contained in this section, no lease reserving a rent or other annual payment exceeding €63,250 a year shall be made under this section without the sanction of the Minister for Finance.”.

Amendment of section 2 (power for Minister to make leases of foreshore) of Act of 1933.

Amendment of section 3 (power for Minister to grant licences of foreshore) of Act of 1933.

**8.**—Section 3 of the Act of 1933 is amended—

- (a) by inserting the following after subsection (1A) (inserted by section 35 of the Foyle and Carlingford Fisheries Act 2007):

“(1B) Where the Minister for Agriculture, Fisheries and Food or the Minister for the Environment, Heritage and Local Government is considering granting a licence under this section (being the appropriate Minister), then the Minister so considering shall consult with the other Minister on the matter before granting the licence.”,

and

- (b) by substituting the following for subsection (4):

“(4) Notwithstanding anything contained in this section, no licence requiring payment by the licensee of a rent or other annual payment exceeding €63,250 a year shall be granted under this section without the sanction of the Minister for Finance.”.

Amendment of references to “Justice” in Act of 1933.

**9.**—In addition to the amendments provided for by *section 6(2)* and *Parts 1* and *2* of *Schedule 1*, section 12(1) is further amended—

- (a) by substituting “judge of the District Court” for “Justice of the District Court”, and
- (b) in paragraph (b), by substituting “such judge” for “such Justice”.

Amendment of section 13A (environmental impact assessment of certain proposals relating to the foreshore) of Act of 1933.

**10.**—Section 13A (as amended by the European Communities (Foreshore) Regulations 2009 (S.I. No. 404 of 2009)) is amended by substituting the following for paragraphs (a) and (b) of subsection (4):

“(4) (a) The appropriate Minister may—

- (i) where that Minister is satisfied that exceptional circumstances so warrant, and
- (ii) where the appropriate Minister is the Minister for Agriculture, Fisheries and Food, after consultation with the Minister for the Environment, Heritage and Local Government,

exempt a relevant application or a proposed relevant application from the requirement of subsection (1) of this section.

(b) The appropriate Minister shall, in granting an exemption under paragraph (a) of this subsection—

- (i) consider whether the effects, if any, of the proposed development on the environment should be assessed in some other manner, and
- (ii) make available to the public—

- (I) the information obtained in any assessment carried out under subparagraph (i),
- (II) the information relating to any decision to exempt a relevant application under paragraph (a), and
- (III) the reasons for the decision referred to in clause (II).”.

**11.**—In addition to the amendments provided for by *section 3(1)* and *Part I of Schedule I*, section 17(3) is further amended by deleting “the Irish Land Commission,”.

Deletion of reference to Irish Land Commission in Act of 1933.

**12.**—The Act of 1933 is amended by inserting the following after section 18:

Regulations relating to the submission of observations by certain bodies.

“18A.—(1) The Minister for the Environment, Heritage and Local Government may, following consultation with the Minister for Agriculture, Fisheries and Food, by regulations under this section, prescribe—

- (a) bodies for the purposes of submitting observations to the Minister for the Environment, Heritage and Local Government or the Minister for Agriculture, Fisheries and Food or to both in respect of an application—
  - (i) for a lease under section 2,
  - (ii) for a licence under section 3,
  - (iii) for an order under section 9,
  - (iv) for an approval under section 10,
  - (v) for a consent under section 13, or
  - (vi) to which sections 13A and 19A relate,

and different bodies may be prescribed in respect of applications under subparagraph (i), (ii), (iii), (iv), (v) or (vi), and
- (b) periods within which a body specified in regulations under this Act—
  - (i) where the body is a public authority, is required (in respect of one or more classes of application as provided for by paragraph (a) of this subsection) to submit observations,
  - (ii) where the body is a public authority not so required or is any other body, may (in respect of one or more classes of application as so provided) submit observations,

and different periods may be prescribed in respect of different classes of application as so provided.

(2) Regulations under this section may provide for such ancillary, supplementary or consequential measures as appear to the Minister to be necessary.

(3) Regulations to which sections 13A and 19A relate may be amended or revoked under this section.

(4) In this section ‘public authority’ means—

- (a) a local authority for the purposes of the Local Government Act 2001,
- (b) the Environmental Protection Agency,
- (c) the Commissioners of Public Works in Ireland,
- (d) a harbour authority within the meaning of the Harbours Acts 1946 to 2005,
- (e) a harbour company under the Harbours Acts 1996 to 2009,
- (f) a company under the Companies Acts, in which all the shares are held by or on behalf of or jointly with one or more than one body to which this subsection relates.”.

Procedure in regard to certain relevant applications.

**13.**—The Act of 1933 is amended by substituting the following for section 19A (as amended by the European Communities (Foreshore) Regulations 2009):

“19A.—(1) Notwithstanding section 19 of this Act, a person who has submitted an environmental impact statement in accordance with a requirement of or under section 13A of this Act shall, as soon as may be, publish in one or more newspapers circulating in the district in which is situated the foreshore to which the relevant application relates a notice—

- (a) stating that the person has made the application and indicating the location and nature of the proposal to which the application relates,
- (b) stating that an environmental impact statement has been prepared in respect of the proposal,
- (c) stating that the appropriate Minister is responsible for making a decision on the application and that that Minister may either grant, approve or consent to the application with or without covenants, conditions or agreements, where applicable, or refuse the application,
- (d) stating whether section 19C of this Act applies to the proposal,
- (e) stating that submissions, comments or questions in relation to the effects on the environment of the proposal may be made in writing to the appropriate Minister within 8 weeks from the publication of the notice, and

- (f) specifying the times at which and the place where, within 8 weeks from the publication of the notice, a copy of the application, the environmental impact statement and any other relevant report or information (including copies of any submissions, comments or questions received by the appropriate Minister) may be inspected free of charge or purchased at a price to be determined by that Minister (which shall not be more than the reasonable cost of making the copy or copies concerned).

(2) The appropriate Minister shall ensure that the following information is available for inspection or for purchase by members of the public on the terms specified in the notice published in accordance with subsection (1):

- (a) a copy of the application,
- (b) the environmental impact statement prepared pursuant to section 13A of this Act,
- (c) the views, if any, furnished by a Member State of the European Communities pursuant to section 19C of this Act,
- (d) any submissions, comments or questions received by the appropriate Minister (including those received from the bodies specified in subsection (3) of this section), and
- (e) any report or other information relevant to the decision.

(3) A person who has submitted an environmental impact statement in accordance with a requirement of or under section 13A of this Act shall, as soon as may be, send a copy of the relevant application and environmental impact statement to—

- (a) the local authority in whose functional area the proposed development is to be located in whole or in part,
- (b) where the proposed development is to be located in any area contiguous to the functional area of a local authority, to each such local authority,
- (c) the National Tourism Development Authority (Fáilte Ireland),
- (d) An Taisce — The National Trust for Ireland if the development is to take place on an area of special amenity value or special interest,
- (e) where not the appropriate Minister for the purposes of section 13A, the Minister for the Environment, Heritage and Local Government if the development is to take place on an area of archaeological, water quality, scientific or ecological interest (or any combination of such areas), and

- (f) any other Minister of Government where the appropriate Minister considers that the proposal relates to a function of that other Minister,

with a statement that the body may make objections or representations in relation to the effects on the environment of the proposal in writing to the appropriate Minister within 8 weeks from the date a copy of the environmental impact statement is sent to that body.

(4) A reference, in this section, section 19B or section 21A of this Act to an environmental impact statement includes a reference to an alternative form of assessment referred to in section 13A(4)(b) of this Act.”.

Amendment of section 19B (Minister to have regard to certain matters in considering certain relevant applications) of Act of 1933.

**14.**—Section 19B (as amended by the European Communities (Foreshore) Regulations 2009) of the Act of 1933 is amended by substituting the following for subsection (4):

“(4) The appropriate Minister shall make available, in a manner determined by that Minister from time to time, any additional material including objections or representations made under section 19A of this Act, upon which that Minister determines a relevant application.”.

Publication of notice of Minister’s decision in relation to certain relevant applications.

**15.**—The Act of 1933 is amended by substituting the following for section 21A (as amended by the European Communities (Foreshore) Regulations 2009):

“21A.—When the appropriate Minister determines a relevant application, that Minister shall—

- (a) publish a notice, in *Iris Oifigiúil* and in one or more newspapers circulating in the area where the foreshore subject to the determination is situate, of the determination and specifying the means by which any material received by that Minister upon which that Minister determined the application may be inspected free of charge or purchased at a price to be determined by that Minister (which shall not be more than the reasonable cost of making the copy or copies concerned),
- (b) ensure that the following information is available for inspection or for purchase by members of the public on the terms specified in the notice published in accordance with paragraph (a):
- (i) the determination;
  - (ii) any conditions attached to such determination;
  - (iii) the main reasons and considerations upon which the determination is based;
  - (iv) details of the public participation process;
  - (v) the main measures, if that Minister considers it necessary, to avoid, reduce or offset adverse

effects on the environment arising from the relevant application;

- (vi) arrangements to comply with paragraph (c) of this section,
- (c) inform a Member State to which section 19C of this Act applies in respect of the relevant application of the determination and matters specified in paragraph (a) of this section, and
- (d) arrange to make the environmental impact statement relating to the relevant application and other material upon which the determination was based available for inspection for such period as that Minister considers appropriate.”.

**16.—**Section 1 of the Act of 1992 is amended—

Amendment of section 1 (interpretation) of Act of 1992.

- (a) by substituting the following for the definition of “local authority”:

“ ‘local authority’ means a local authority (within the meaning of the Local Government Act 2001) that is referred to in—

- (a) Part 1 (which relates to counties) or Part 2 (which relates to cities) of Schedule 5 to that Act, or
- (b) Part 1 (which relates to boroughs) of Schedule 6 to that Act,

and any reference to the functional area of a local authority shall be construed accordingly;”,

and

- (b) by deleting the definition of “the Minister”.

**17.—**Section 5 of the Act of 1992 is amended in subsection (1)(a) by substituting “the Minister for the Environment, Heritage and Local Government” for “the Minister”.

Amendment of section 5 (High Court’s power to prohibit continuance of certain contraventions of Act of 1933) of Act of 1992.

**18.—**Section 6 of the Act of 1992 is amended—

Amendment of section 6 (powers of courts, Minister, local authorities, etc., in relation to mitigating and remedying effects of contravention of certain orders and notices, etc.) of Act of 1992.

- (a) in subsection (1)(a)(i) by substituting “the Minister for the Environment, Heritage and Local Government” for “the Minister”,
- (b) in subsection (4)(a)(i) by substituting “the Minister for the Environment, Heritage and Local Government” for “the Minister”, and

(c) in subsection (4)(b)—

- (i) by substituting “the Minister for the Environment, Heritage and Local Government” for “the Minister” where it first occurs, and
- (ii) by substituting “that Minister” for “the Minister” where it last occurs.

Amendment of section 7 (provisions relating to prosecution of summary offences) of Act of 1992.

**19.**—Section 7 of the Act of 1992 is amended by substituting the following for subsection (1) of that section:

“7.—(1) A summary offence under the *Foreshore Acts 1933 to 2009* may be prosecuted by—

- (a) so far as relates to an offence under section 6, 7, 13 or 14 of the Act of 1933, or section 6 of this Act, the Minister for the Environment, Heritage and Local Government,
- (b) so far as relates to an offence under section 8(2) of the Act of 1933, the appropriate Minister, or
- (c) a local authority in respect of any area of seashore which is in whole or in part within its functional area or contiguous thereto.”.

Amendment of section 1 (interpretation) of Fisheries and Foreshore (Amendment) Act 1998.

**20.**—Section 1 of the Fisheries and Foreshore (Amendment) Act 1998 is amended by inserting the following after the definition of “the Act of 1997”:

“ ‘Minister’ means the Minister for Agriculture, Fisheries and Food;”.

Amendment of section 32 (foreshore application and other fees) of the Fisheries (Amendment) Act 2003.

**21.**—Section 32 of the Fisheries (Amendment) Act 2003 is amended—

- (a) in subsections (1) and (2) by substituting “such fee as the appropriate Minister may” for “such fee as the Minister may”,
- (b) in subsections (4) and (6) by substituting “the appropriate Minister” for “the Department of Communications, Marine and Natural Resources”, and
- (c) in subsection (7) by inserting the following after the definition of “Act of 1933”:

“ ‘appropriate Minister’ means the Minister exercising the functions concerned having regard to section 1B (inserted by the *Foreshore and Dumping at Sea (Amendment) Act 2009*) of the Foreshore Act 1933;”.



CHAPTER 4

*Transitional provisions relating to Foreshore Acts 1933 to 2009*

**22.—**(1) Every bond, guarantee or other security of a continuing nature made or given—

Preservation of certain continuing contracts and adaptation of certain references to Minister for Agriculture, Fisheries and Food in certain documents.

(a) by or on behalf of the Minister for Agriculture, Fisheries and Food to any person in the performance of a function transferred by this Act from that Minister to the Minister for the Environment, Heritage and Local Government, or

(b) by any person to the Minister for Agriculture, Fisheries and Food and accepted by or on behalf of the Minister for Agriculture, Fisheries and Food in the performance of a function so transferred,

and in force immediately before the commencement date, and every contract or agreement in writing made between the Minister for Agriculture, Fisheries and Food in the performance of a function so transferred and another person and in force but not fully executed and completed immediately before the commencement date, shall continue in force on and after the commencement date and shall be construed and have effect as if, to the extent that the functions are so transferred, the name of the Minister for the Environment, Heritage and Local Government were substituted therein for that of the Minister for Agriculture, Fisheries and Food and such security, contract or agreement shall be enforceable to that extent by or against the Minister for the Environment, Heritage and Local Government.

(2) References to the Minister for Agriculture, Fisheries and Food contained immediately before the commencement date in the memorandum and articles of association of any company and relating to a function transferred by this Act shall, on and after that date, be construed to the extent of such transfer as references to the Minister for the Environment, Heritage and Local Government.

**23.—**(1) Where—

Saving and amendment of certain statutory instruments made by Minister for Agriculture, Fisheries and Food.

(a) any regulations or order was made or deemed to have been made under the Foreshore Acts 1933 to 2005, before the commencement date, that subsists on that date, and

(b) that order or regulations relate in whole or in part to functions exercisable by the Minister for the Environment, Heritage and Local Government by virtue of this Act,

then, to the extent that that order or regulations relate to functions so exercisable, such regulations or order shall have effect, on and after the commencement date, as if made by that Minister and may be amended or revoked by that Minister.

(2) Nothing in this Act shall affect the validity of any act which, before the commencement date, was done by or on behalf of the Minister for Agriculture, Fisheries and Food and every such act done by or on behalf of that Minister in the performance of a function transferred by this Act, shall, if and in so far as it was commenced immediately before the commencement date, have effect, on and

after the commencement date, as if it had been done by or on behalf of the Minister for the Environment, Heritage and Local Government.

Transfer of certain property and liabilities of Minister for Agriculture, Fisheries and Food.

**24.**—(1) All property, rights and liabilities held, enjoyed or incurred immediately before the commencement date by the Minister for Agriculture, Fisheries and Food in connection with the functions transferred by this Act are transferred to the Minister for the Environment, Heritage and Local Government and, accordingly, without any further conveyance, transfer or assignment—

- (a) the said property, real and personal, shall, on the commencement date, vest in the Minister for the Environment, Heritage and Local Government,
- (b) the said rights shall, as on and from the commencement date, be enjoyed by the Minister for the Environment, Heritage and Local Government,
- (c) the said liabilities shall, as on and from the commencement date, be the liabilities of the Minister for the Environment, Heritage and Local Government.

(2) All moneys, stocks, shares and securities transferred to the Minister for the Environment, Heritage and Local Government by this section which, on the commencement date, are standing in the name of the Minister for Agriculture, Fisheries and Food shall, upon the request of the Minister for the Environment, Heritage and Local Government, be transferred into the name of the Minister for the Environment, Heritage and Local Government.

Effect of transfer of functions on certain acts performed and documents.

**25.**—(1) Every—

- (a) document made, granted or served, as the case may be,
- (b) approval under section 10 of the Act of 1933, and
- (c) consent under section 13 of the Act of 1933,

shall, in so far as it was operative immediately before the commencement date and to the extent that it relates to a matter transferred by this Act, have effect on and after that date as if it had been made, granted, served, approved of or consented to, as the case may be, by the Minister for the Environment, Heritage and Local Government.

(2) In this section “document” includes—

- (a) any lease made under section 2 of the Act of 1933,
- (b) any licence granted under section 3 of the Act of 1933,
- (c) any prohibitory order made under section 6 of the Act of 1933, and
- (d) any prohibitory notice served under section 7 of the Act of 1933.

**26.**—Where, immediately before the commencement date, any legal proceedings are pending in any court or tribunal and the Minister for Agriculture, Fisheries and Food is a party to the proceedings then—

Pending legal proceedings.

- (a) where the proceedings relate solely to functions transferred by virtue of this Act to the Minister for the Environment, Heritage and Local Government, the name of that Minister shall be substituted in the proceedings for that of the Minister for Agriculture, Fisheries and Food,
- (b) where the proceedings relate partly to functions transferred by virtue of this Act to the Minister for the Environment, Heritage and Local Government, the name of that Minister shall be added to the proceedings,

and the proceedings shall not abate by reason of such substitution.

**27.**—Anything commenced before the commencement date by or under the authority of the Minister for Agriculture, Fisheries and Food may, so far as it relates to functions transferred by *section 3*, be carried on or completed on and after the commencement date by the Minister for the Environment, Heritage and Local Government.

Completion of certain matters commenced by Minister for Agriculture, Fisheries and Food.

### PART 3

#### DUMPING AT SEA

##### CHAPTER 1

###### *Preliminary and General (Part 3)*

**28.**—In this Part—

Definitions (*Part 3*).

“Act of 1996” means the Dumping at Sea Act 1996;

“Agency” means the Environmental Protection Agency;

“commencement date” means the date on which this Part and *Schedule 2* come into operation under *section 1(5)*.

##### CHAPTER 2

###### *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.

Transfer and vesting of dumping at sea functions.

(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.

## CHAPTER 3

*Amendments to Act of 1996*

Amendment of section 1 (interpretation) of Act of 1996.

**30.**—Section 1 of the Act of 1996 is amended—

(a) by inserting the following before the definition of “authorised officer”:

“ ‘Agency’ means the Environmental Protection Agency;”,

(b) in the definition of “harbour authority” by substituting the following for paragraph (c):

“(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,”,

and

(c) by deleting the definition of “the Minister”.

Amendment of section 2 (restrictions on dumping at sea of vessels, aircraft, substances and material) of Act of 1996.

**31.**—Section 2 of the Act of 1996 is amended in subsection (3) by substituting the following for paragraph (b):

“(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.”.

Amendment of section 4 (prohibition of disposal of offshore installations and certain substances or material) of Act of 1996.

**32.**—Section 4 of the Act of 1996 is amended by substituting the following for subsection (3):

“(3) Subsection (2)(a) of this section shall not apply to any radioactive substances or material below low level as prescribed by the Radiological Protection Institute of Ireland after consultation with the Agency. The Agency shall give notice of prescribing by causing a notice to that effect to be published in the *Iris Oifigiúil*.

(4) The low level standing prescribed for radioactive substances or material under this section before the commencement date (within the meaning of *Part 3* of the *Foreshore and Dumping at Sea (Amendment) Act 2009*) shall be deemed to have been prescribed on that date in accordance with subsection (3) of this section.”.

Amendment of section 5 (permits in relation to dumping) of Act of 1996.

**33.**—In addition to the amendment provided for by *section 29(1)* and *Schedule 2*, section 5 of the Act of 1996 is amended—

(a) in subsection (1) by substituting the following for paragraph (a):

“(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) by substituting the following for subsections (2) to (4):

“(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.”,

(c) in subsection (5) by substituting the following for paragraph (c):

“(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.”,

and

(d) by deleting subsection (11).

Amendment of  
section 6 (powers of  
authorised officers)  
of Act of 1996.

**34.**—In addition to the amendment provided for by *section 29(1)* and *Schedule 2*, section 6 of the Act of 1996 is amended—

(a) by substituting the following for subsection (2):

“(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 a 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.”,

(b) by inserting the following after subsection (8):

“(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.”,

(c) by substituting the following for subsection (9):

“(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.”,

and

- (d) by inserting the following after subsection (12):

“(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.”.

**35.**—*Schedule 2* applies for the purposes of supplementing the transfer and vesting of dumping at sea functions in the Agency under *section 29* and, accordingly, the Act of 1996 is amended in the manner set out in that Schedule.

Supplemental  
amendments to Act  
of 1996.

Provisions in relation to offences. **36.**—The Act of 1996 is amended in section 7 by substituting the following for subsections (1) and (2):

“(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.”.

Repeal of section 13 (fees) of Act of 1996. **37.**—Section 13 of the Act of 1996 is repealed.

#### CHAPTER 4

#### *Transitional provision relating to Dumping at Sea Acts 1996 to 2009*

Transitional provision (*Part 3*). **38.**—(1) An application to the Minister for a permit under section 5 of the Dumping at Sea Act 1996 which was not determined by the Minister before the commencement date shall be treated as an application to the Agency under that section.

(2) A permit granted under section 5 of the Dumping at Sea Act 1996 and in force immediately before the commencement date shall continue in force and may be dealt with by the Agency as if granted under that section as amended by this Act.

(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.

(4) Where, immediately before the passing of this Act, any legal proceedings are pending in any court or tribunal and the Minister for Agriculture, Fisheries and Food is a party to the proceedings then the name of the Agency shall be substituted in the proceedings for that of the Minister for Agriculture, Fisheries and Food.

SCHEDULE 1

Section 6(2)(a).

CONSEQUENTIAL AMENDMENTS TO FORESHORE ACT 1933

PART 1

SUPPLEMENTAL AMENDMENTS RELATING TO “APPROPRIATE MINISTER”,  
ETC., IN FORESHORE ACT 1933

Item	Provision amended	Amendment
1	Section 2(1)	Substitute “appropriate Minister” for “Minister” where it first occurs.
2	Section 2(1)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
3	Section 2(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
4	Section 2(2)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
5	Section 2(6)	Substitute “appropriate Minister” for “Minister”.
6	Section 2(8)	Substitute “appropriate Minister” for “Minister”.
7	Section 2(8)	Substitute “that Minister” for “the Minister” where it last occurs.
8	Section 3(1)	Substitute “appropriate Minister” for “Minister” where it first occurs.
9	Section 3(1)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
10	Section 3(1A)	Substitute “Minister for Agriculture, Fisheries and Food” for “Minister”.
11	Section 3(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
12	Section 3(2)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
13	Section 3(3)	Substitute “appropriate Minister” for “Minister” where it first occurs.
14	Section 3(3)	Substitute “that Minister” for “the Minister” where it last occurs.
15	Section 3(5)	Substitute “appropriate Minister” for “Minister”.
16	Section 3(7)	Substitute “appropriate Minister” for “Minister”.
17	Section 3(9)	Substitute “appropriate Minister” for “Minister” where it first occurs.
18	Section 3(9)	Substitute “that Minister” for “the Minister” where it last occurs.
19	Section 3A	Insert after subsection (3):  “(4) In this section and section 3B ‘Minister’ has the same meaning as it had in this Act before the passing of Part 6 of the Act of 2005, and section 3C shall be construed accordingly.”.
20	Section 4(1)	Substitute “appropriate Minister” for “Minister”.
21	Section 4(2)	Substitute “appropriate Minister” for “Minister”.
22	Section 4(3)	Substitute “appropriate Minister” for “Minister”.

Item	Provision amended	Amendment
23	Section 5	Substitute “appropriate Minister” for “Minister” where it first occurs.
24	Section 6(2)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” in both places where it occurs.
25	Section 6(3)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
26	Section 6(4)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
27	Section 6(4)	Substitute “that Minister” for “the Minister” where it last occurs.
28	Section 7(1)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
29	Section 7(1)	Substitute “that Minister” for “the Minister” where it last occurs.
30	Section 8(1)	Substitute “appropriate Minister” for “Minister” where it first occurs.
31	Section 8(1)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
32	Section 8(3)	Substitute “appropriate Minister” for “Minister” where it first occurs.
33	Section 8(3)	Substitute “that Minister” for “the Minister” where it last occurs.
34	Section 9(1)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
35	Section 9(1)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
36	Section 9(2)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
37	Section 9(3)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
38	Section 9(3)	Substitute “that Minister” for “the Minister” where it last occurs.
39	Section 10(1)	Substitute “appropriate Minister” for “Minister”.
40	Section 10(2)	Substitute “appropriate Minister” for “Minister”.
41	Section 10(3)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
42	Section 10(3)	Substitute “that Minister” for “the Minister” in both places where it last occurs.
43	Section 10(4)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
44	Section 11(1)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
45	Section 11(1)	Substitute “that Minister” for “the Minister” where it last occurs.

Item	Provision amended	Amendment
46	Section 11(2)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
47	Section 11(3)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
48	Section 11(3)	Substitute “that Minister” for “the Minister” where it last occurs.
49	Section 12(1)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister” where it first occurs.
50	Section 12(1)(b)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
51	Section 12(2)(c)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
52	Section 13(1)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
53	Section 13A(1)	Substitute “appropriate Minister” for “Minister”.
54	Section 13A(2)	Substitute “appropriate Minister” for “Minister”.
55	Section 13A(2A)(b)	Substitute “appropriate Minister” for “Minister”.
56	Section 13A(2B)	Substitute “appropriate Minister” for “Minister”.
57	Section 13A(2C)	Substitute “appropriate Minister” for “Minister”.
58	Section 13A(3A)(a)	Substitute “appropriate Minister” for “Minister”.
59	Section 13A(3A)(b)	Substitute “appropriate Minister” for “Minister”.
60	Section 13A(5)(a)	Substitute “appropriate Minister” for “Minister”.
61	Section 13A(5)(b)	Substitute “appropriate Minister” for “Minister”.
62	Section 13A(5)(c)	Substitute “appropriate Minister” for “Minister”.
63	Section 13A(5)(d)	Substitute “Minister for the Environment, Heritage and Local Government” for “Minister”.
64	Section 17(1)	Substitute “appropriate Minister” for “Minister”.
65	Section 17(2)	Substitute “appropriate Minister” for “Minister”.
66	Section 17(3)	Substitute “appropriate Minister” for “the Minister”.
67	Section 18	Substitute “appropriate Minister” for “Minister”.
68	Section 18(a)	Substitute “appropriate Minister” for “Minister”.
69	Section 18(b)	Substitute “appropriate Minister” for “Minister”.

Item	Provision amended	Amendment
70	Section 18(d)	Substitute “appropriate Minister” for “Minister” where it first occurs.
71	Section 18(d)	Substitute “unless that Minister” for “unless the Minister”.
72	Section 18(d)	Substitute “recoverable by the appropriate Minister” for “recoverable by the Minister”.
73	Section 18(e)	Substitute “appropriate Minister” for “Minister”.
74	Section 19	Substitute “appropriate Minister” for “Minister” where it first occurs.
75	Section 19	Substitute “that Minister” for “the Minister” in each place where it occurs other than where it first occurs.
76	Section 19B(1)	Substitute “appropriate Minister” for “Minister”.
77	Section 19B(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
78	Section 19B(2)	Substitute “that Minister” for “the Minister” where it last occurs.
79	Section 19B(3)	Substitute “appropriate Minister” for “Minister” where it first occurs.
80	Section 19B(3)(a)	Substitute “appropriate Minister” for “Minister” where it first occurs.
81	Section 19B(3)(a)	Substitute “that Minister” for “the Minister” where it last occurs.
82	Section 19B(3)(b)	Substitute “appropriate Minister” for “Minister” where it first occurs.
83	Section 19B(3)(b)	Substitute “that Minister” for “the Minister” where it last occurs.
84	Section 19C(1)	Substitute “appropriate Minister” for “Minister”.
85	Section 19C(2)	Substitute “appropriate Minister” for “Minister”.
86	Section 19C(3)	Substitute “appropriate Minister” for “Minister”.
87	Section 19C(4)	Substitute “appropriate Minister” for “Minister”.
88	Section 20	Substitute “appropriate Minister” for “Minister” where it first occurs.
89	Section 20(b)	Substitute “appropriate Minister” for “Minister”.
90	Section 20(c)	Substitute “appropriate Minister” for “Minister”.
91	Section 21(1)	Substitute “appropriate Minister” for “Minister”.
92	Section 21(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
93	Section 21(2)	Substitute “that Minister” for “the Minister” where it last occurs.
94	Section 22(1)	Substitute “appropriate Minister” for “Minister” where it first occurs.
95	Section 22(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
96	Section 23(1)	Substitute “appropriate Minister” for “Minister” where it first occurs.

Item	Provision amended	Amendment
97	Section 23(1)	Substitute “that Minister” for “the Minister” in both places where it occurs other than where it first occurs.
98	Section 23(2)	Substitute “appropriate Minister” for “Minister” where it first occurs.
99	Section 23(2)	Substitute “that Minister” for “Minister” where it last occurs.

PART 2

*Section 6(2)(b).*

AMENDMENTS RELATING TO “THE STATE” IN FORESHORE ACT 1933

Item	Provision amended	Amendment
1	Section 2(1)	Substitute “the State” for “Saorstát Eireann”.
2	Section 3(1)	Substitute “the State” for “Saorstát Eireann”.
3	Section 4(1)	Substitute “the State” for “Saorstát Eireann”.
4	Section 4(2)	Substitute “the State” for “Saorstát Eireann”.
5	Section 5	Substitute “the State” for “Saorstát Eireann” in both places where it occurs.
6	Section 8(1)	Substitute “the State” for “Saorstát Eireann”.
7	Section 9(1)	Substitute “the State” for “Saorstát Eireann”.
8	Section 10(1)	Substitute “the State” for “Saorstát Eireann”.
9	Section 11(1)	Substitute “the State” for “Saorstát Eireann”.
10	Section 12(1)	Substitute “the State” for “Saorstát Eireann”.

[No. 39.] *Foreshore and Dumping at Sea* [2009.]  
(Amendment) Act 2009.

Section 35.

SCHEDULE 2

SUPPLEMENTAL AMENDMENTS RELATING TO “AGENCY”, ETC., IN  
DUMPING AT SEA ACT 1996

Item	Provision amended	Amendment
1	Section 5(1)(b)	Substitute “the Agency shall” for “the Minister shall”.
2	Section 5(5)(a)	Substitute “as the Minister for the Environment, Heritage and Local Government may” for “as the Minister may”.
3	Section 5(6)	Substitute “Agency” for “Minister” in each place where it occurs other than in the reference to “Minister for Finance”.
4	Section 5(7)	Substitute “to the Agency” for “to the Minister”.
5	Section 5(8)(a)	Substitute “Agency” for “Minister” in both places where it occurs.
6	Section 5(8)(b)	Substitute “Agency” for “Minister”.
7	Section 5(9)(a)	Substitute “The Agency shall keep a register” for “The Minister shall cause to be established and kept a register”.
8	Section 5(9)(b)	Substitute “Agency” for “Minister”.
9	Section 5(9)(c)	Substitute “Agency” for “Minister”.
10	Section 5A(1)	Substitute “in the opinion of the Agency” for “in the opinion of the Minister”.
11	Section 5A(3)	Substitute “in the opinion of the Agency” for “in the opinion of the Minister”.
12	Section 5A(3)(b)	Substitute “make a submission or observations to the Agency” for “make a submission or observations to the Minister”.
13	Section 5A(4)(c)	Substitute “for the consideration by the Agency” for “for the consideration by the Minister”.
14	Section 5A(5)	Substitute “The Agency shall” for “The Minister shall”.
15	Section 5A(6)	Substitute “in the opinion of the Agency” for “in the opinion of the Minister”.
16	Section 5A(6)	Substitute “the Agency shall” for “the Minister shall”.
17	Section 5A(6)(b)	Substitute “the Agency” for “the Minister” in both places where it occurs.
18	Section 5A(7)	Substitute “The Agency shall cause to be published by electronic means” for “The Minister shall cause to be published by electronic means”.
19	Section 6(1)(a)	Substitute “The Agency may appoint an officer or member of the staff of the Agency or of the Marine Institute” for “The Minister may appoint an officer of the Minister or of the Marine Institute”.
20	Section 6(1)(b)	Substitute “The Agency may” for “The Minister may”.
21	Section 6(1)(c)	Substitute “The Agency may” for “The Minister may”.
22	Section 6(1)(d)	Substitute “the Agency may” for “the Minister may”.
23	Section 14	Substitute “a Minister of the Government” for “the Minister or any other Minister of the Government”.