

**10. Defence to charge of an offence**

It is a defence to a charge of an offence against section 5 or 6 if the person charged proves that —

- (a) the dumping the subject of the charge was necessary to secure the safety of human life, or of a vessel, aircraft or platform at sea in a case of *force majeure* caused by stress of weather; or
- (b) the dumping the subject of the charge appeared to be the only way of averting a threat to human life, or to the safety of a vessel, aircraft or platform, at sea and there was every probability that the damage caused by such dumping would be less than would otherwise occur,

and, in either case, that —

- (c) the dumping was so conducted as to minimize the likelihood of damage to human or marine life; and
- (d) a report of the dumping, setting out the prescribed information, was furnished to the Minister as soon as practicable after the occurrence of the dumping.