



Antarctic Treaty Act 1967

1967 CHAPTER 65

1 Conservation of Antarctic fauna and flora.

- (1) On and after the appointed day, no person to whom this section applies, while he is in any part of Antarctica, shall, except as permitted by or Under this Act,—
 - (a) wilfully kill, injure, molest or take any native mammal or native bird, or
 - (b) gather any native plant within a specially protected area, or drive any vehicle within such an area.
- (2) On and after the appointed day, no person to whom this section applies shall, except as permitted by or under this Act, bring into any part of Antarctica any animal or plant of a species which is not indigenous to Antarctica.
- (3) Subject to the next following subsection, this section applies to any person who is for the time being—
 - (a) a citizen of the United Kingdom and Colonies, or
 - (b) a British subject by virtue of section 2 of the British Nationality Act 1948 (continuance of certain citizens of Eire as British subjects), or
 - (c) a British subject without citizenship by virtue of section 13 or section 16 of that Act (which relate respectively to British subjects whose citizenship had not been ascertained at the commencement of that Act and to persons who had ceased to be British subjects on loss of British nationality by a parent), or
 - (d) a British subject by virtue of the British Nationality Act 1965, or
 - (e) a British protected person (within the meaning of the British Nationality Act 1948),and to any person who (not being such a person as is mentioned in any of paragraphs (a) to (e) of this subsection) is for the time being the owner or master or a member of the crew of a British ship registered in the United Kingdom.
- (4) Notwithstanding anything in the last preceding subsection, this section does not apply to a person who, being also a national of one of the other Contracting Parties, has been designated by or on behalf of that Contracting Party as an observer, or is an exchanged scientist made available by that Contracting Party, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while

Status: This is the original version (as it was originally enacted).

he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff.

- (5) Any person who does, or attempts to do, anything in contravention of this section shall be guilty of an offence.

2 Exemptions from s.1.

- (1) Section 1 of this Act shall not be taken to be contravened by anything done, or attempted to be done, by any person in accordance with a permit issued in respect of him—
- (a) under this Act, or
 - (b) by or on behalf of one of the other Contracting Parties,
- if it is done or attempted at a time when that permit is in force and in compliance with any conditions or limitations to which the permit is subject.
- (2) Without prejudice to the preceding subsection, where a person is charged with an offence under section 1 of this Act, it shall be a defence to prove that the act in question was done or attempted in a case of extreme emergency involving possible loss of human life or the safety of a ship or aircraft.

3 Issue of permits.

- (1) The Secretary of State may issue in respect of any person to whom section 1 of this Act applies a permit authorising him to do such of the things mentioned in subsection (1) and (2) of that section as are specified in the permit.
- (2) The Secretary of State may delegate his powers under the preceding subsection to any person who for the time being—
- (a) holds office as Director of the British Antarctic Survey or holds an appointment (by whatever name called) having functions similar to those which at the passing of this Act are performed by that Director, or
 - (b) is the officer in charge of a station maintained in Antarctica by or on behalf of Her Majesty's Government in the United Kingdom, or
 - (c) is in charge of an expedition to Antarctica organised in or proceeding from the United Kingdom or any other territory to which this section extends.
- (3) Any permit under this section may be issued subject to such conditions and limitations as (subject to subsection (5) of this section) the Secretary of State or other person issuing the permit considers appropriate.
- (4) In connection with the matters authorised by any such permit, the permit may require the person in respect of whom it is issued to make to the Secretary of State or other person issuing the permit a report, at such times and in such manner as may be specified in the permit, as to the occurrence of such acts and events as may be so specified.
- (5) In the exercise of any power conferred by or under this section, the Secretary of State or other person exercising the power shall have regard to the Agreed Measures.
- (6) Any person to whom the power to issue permits is delegated under subsection (2) of this section shall, in respect of each year, send to the Secretary of State a report in accordance with the next following subsection; and every such report shall be sent to the Secretary of State as soon as practicable after the end of the year to which it relates.

- (7) A report made by any person under the last preceding subsection in respect of any year shall contain such particulars of permits under this section issued by him in that year, and of information received by him in that year in pursuance of subsection (4) of this section, as the Secretary of State may require.
- (8) In this section " year " means a period of twelve months ending with June.

4 Penalties.

- (1) Any person who, being the owner or master or a member of the crew of a British ship registered in the United Kingdom, wilfully kills or takes a seal in contravention of section 1 of this Act shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both ;
 - (b) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.
- (2) Without prejudice to the preceding subsection, any person who, in contravention of section 1 of this Act, wilfully kills any mammal or bird of a specially protected species shall be liable on summary conviction to a fine not exceeding £100.
- (3) Except as otherwise provided by the preceding provisions of this section, any person who commits an offence under section 1 of this Act shall be liable on summary conviction to a fine not exceeding £50.
- (4) Any person who—
- (a) fails to comply with a requirement imposed on him by a permit in accordance with section 3(4) of this Act, or
 - (b) in any report made by him in pursuance of such a requirement knowingly or recklessly makes a statement which is false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

5 Application of criminal law to observers and exchanged scientists.

- (1) Where on or after the appointed day anything is done, or omitted to be done, by a person to whom section 1 of this Act applies who has been designated by or on behalf of Her Majesty's Government in the United Kingdom as an observer or is an exchanged scientist made available by that Government, or is a member of the staff accompanying an observer so designated or such an exchanged scientist, while he is in any part of Antarctica for the purpose of exercising his functions as such an observer or exchanged scientist or as a member of such a staff, and the act or omission—
- (a) would, if it occurred in any part of the United Kingdom, be an offence under the law of that part of the United Kingdom, or
 - (b) would, if it occurred in any other territory to which this section extends, be an offence under the law of that territory,
- he shall by virtue of this section be guilty of the like offence as if the act or omission had occurred in that part of the United Kingdom or in that territory, as the case may be, and shall be liable to be proceeded against and punished accordingly.
- (2) The preceding subsection shall have effect without prejudice to the operation of sections 1 and 4 of this Act.

6 Power to make further provision for giving effect to Agreed Measures.

- (1) If it appears to Her Majesty that further provision, in addition to that made by sections 1 to 5 of this Act, is necessary or expedient for giving effect to any of the Agreed Measures, Her Majesty may by Order in Council make such provision accordingly.
- (2) An Order in Council under this section may prescribe penalties for contravention of prohibitions imposed by the Order; but the penalties so prescribed shall not exceed those specified respectively in paragraphs (a) and (b) of section 4(1) of this Act.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

7 Further powers exercisable by Order in Council.

- (1) Her Majesty may by Order in Council certify who are the Contracting Parties.
- (2) Her Majesty may by Order in Council—
 - (a) designate as a specially protected species any species of mammal or bird which is for the time being specified in Annex A to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty;
 - (b) designate (whether by reference to a map or otherwise) as a specially protected area any area which is for the time being specified in Annex B to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty.
- (3) Her Majesty may by Order in Council direct that sections 1 to 4 of this Act, in so far as they relate to killing, injuring, molesting or taking native mammals or native birds, shall have effect as if Antarctica included the whole of the high seas south of the sixtieth parallel of south latitude.
- (4) In so far as it appears to Her Majesty to be expedient to do so for giving effect to any recommendations made in accordance with Article IX(1) of the Treaty, or to any special arrangements made with any other Contracting Party, Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, such provisions of this Act as are so specified shall have effect in accordance with any one or more of paragraphs (a) to (c) of this subsection, that is to say—
 - (a) as if references to persons to whom section 1 of this Act applies included references to persons who (not being persons to whom that section applies) fulfil such conditions as to nationality as are specified in the Order;
 - (b) as if, in any provision of this Act specified in the Order, references to persons of any description specified in that provision included references to persons (not falling within that description) who are for the time being members of any expedition organised in or proceeding from the United Kingdom or any other territory to which that provision extends;
 - (c) as if, in any provision of this Act specified in the Order, references to British ships registered in the United Kingdom included references to British ships registered in any other territory so specified which is a territory to which that provision extends,or may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, section 5 of this Act shall have effect as if, for the

words from " who has been designated " to " member of such a staff ", there were substituted such other words as may be so specified.

- (5) Her Majesty may by Order in Council make provision for any of the following matters, that is to say—
- (a) the arrest in any part of Antarctica of any person suspected of committing an offence under any provision of this Act which is punishable by imprisonment;
 - (b) the conveyance in custody of any person so arrested to any place where, by virtue of this Act, he can be tried for that offence;
 - (c) the seizure and detention of any article which may be evidence of an offence under any provision of this Act and the conveyance of any such article to any place where, by virtue of this Act, a person charged with that offence can be tried ;
 - (d) securing the attendance, before any court by which a person can be tried for an offence under any provision of this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.
- (6) In the last preceding subsection any reference to this Act includes a reference to any Order in Council made under section 6 of this Act.
- (7) Any Order in Council made under any of subsections (2) to (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8 Proceedings and evidence.

- (1) Without prejudice to any jurisdiction exercisable apart from this section, proceedings for an offence under any provision of this Act may be taken against any person at any place at which he is for the time being and which is in the United Kingdom or in any other territory to which that provision extends.
- (2) For the purposes of any such proceedings—
- (a) any Order in Council under section 7(1) of this Act shall be conclusive evidence of the matters certified by the Order;
 - (b) any document purporting to be a permit issued under this Act, or to be a permit issued by or on behalf of one of the other Contracting Parties, and to be issued in respect of a person bearing the name by which a person is referred to in the proceedings, shall, unless the contrary is proved, be deemed to be a permit issued under this Act, or issued by or on behalf of that Contracting Party, as the case may be, and to relate to the person so referred to ;
 - (c) any document purporting to be a certificate issued by or on behalf of Her Majesty's Government in the United Kingdom, or by or on behalf of one of the other Contracting Parties, certifying that a person bearing the name by which a person is referred to in the proceedings was designated or made available by or on behalf of that Government or Contracting Party as an observer or exchanged scientist, or is or at a time specified in the document was a member of the staff accompanying an observer or exchanged scientist so designated or made available, shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that Government or Contracting Party, and shall, unless the contrary is proved, be sufficient evidence of the fact stated in the document.

9 Extension of Act.

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such exceptions and modifications (if any) as may be specified in the Order, to—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony.

10 Interpretation and supplementary provisions.

- (1) In this Act " the Treaty " means the Treaty set out in Schedule 1 to this Act, and " the Agreed Measures " means the measures set out in Schedule 2 to this Act, being measures recommended for approval by the Contracting Parties:

Provided that, if Schedule 2 to this Act is amended in the exercise of any power conferred by the following provisions of this section, " the Agreed Measures " shall mean the measures set out in that Schedule as so amended.

- (2) If the measures set out in Schedule 2 to this Act are modified before they become effective in pursuance of Article IX(4) of the Treaty, and become effective as so modified, Her Majesty may by Order in Council amend Schedule 2 to this Act in such manner as She may consider requisite for giving effect to those modifications.
- (3) If the measures set out in that Schedule, having become effective (with or without modifications) in pursuance of Article IX(4) of the Treaty, are subsequently amended, either in pursuance of the said Article IX(4) or in pursuance of Article XIV set out in that Schedule, Her Majesty may by Order in Council amend, or (if it has previously been amended, either under the last preceding subsection or under this subsection) may by Order in Council further amend, Schedule 2 to this Act in such manner as She may consider requisite for giving effect to that subsequent amendment of those measures.
- (4) Any Order in Council made under subsection (2) or subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" Antarctica " means the area south of the sixtieth parallel of south latitude, excluding any part of the high seas but including all ice shelves south of that parallel;

" the appointed day " means such day as Her Majesty may by Order in Council appoint;

" the Contracting Parties " means the Contracting Parties to the Treaty and " the other Contracting Parties " means the Contracting Parties other than Her Majesty's Government in the United Kingdom;

" exchanged scientist " means a person exchanged in pursuance of Article III(1)(b) of the Treaty, and any reference to an exchanged scientist made available by a Contracting Party is a reference to an exchanged scientist who, in pursuance of arrangements made by that Contracting Party, is employed by or serves under another Contracting Party;

" native bird ", " native mammal " and " native plant " have the meanings assigned to them respectively by Article II of the Agreed Measures ;

" observer " means a person designated in pursuance of Article VII(1) of the Treaty;

" specially protected area " and " specially protected species " mean respectively an area or species designated under section 7(2) of this Act;

" territory " includes any country;

" vehicle " includes an aircraft while it is on the ground and any reference to driving a vehicle shall be construed as a reference to being in charge of it while it is in motion, whether it is mechanically propelled or not.

- (6) For the purpose of construing any reference in this Act to an offence under any provision of this Act, an act or omission in respect of which a person is guilty of an offence by virtue of section 5 of this Act shall be taken to be an offence under that section.
- (7) Any power conferred by any provision of this Act to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.
- (8) Section 3(1) of the British Nationality Act 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies) shall not have effect in relation to any offence under any provision of this Act.

11 Short title.

This Act may be cited as the Antarctic Treaty Act 1967.