



Antarctic Minerals Act 1989

1989 CHAPTER 21

Criminal and civil liability

10 Offences under Act

- (1) Any person who—
 - (a) carries on an activity in contravention of section 1(1) above;
 - (b) for the purpose of obtaining a licence (for himself or another), knowingly or recklessly makes a statement which is false in a material particular;
 - (c) being a licensee, fails to comply with the conditions of his licence;
 - (d) fails to comply with such provisions of regulations made under section 6 above as may be prescribed;
 - (e) fails to comply with a direction under section 7 above; or
 - (f) discloses any information in contravention of section 9 above,shall be liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding the statutory maximum.
- (2) Proceedings for an offence under this Act may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (3) Proceedings for an offence under this Act shall not be instituted in England and Wales or Northern Ireland except by the Secretary of State, by a person authorised by him in that behalf or—
 - (a) in England and Wales, by or with the consent of the Director of Public Prosecutions; or
 - (b) in Northern Ireland, by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

- (5) In any proceedings for an offence under paragraph (a), (c), (d) or (e) of subsection (1) above, it shall be a defence to prove that the accused took all reasonable precautions to avoid the commission of the offence.

11 Application of criminal law to certain persons

- (1) Where—

- (a) anything is done, or omitted to be done, by a qualifying agent or employee while he is in Antarctica in the course of his agency or employment, or by an inspector or designated observer while he is in Antarctica for the purpose of exercising his functions as such; and
- (b) the act or omission would, if it occurred in any part of the United Kingdom, be an offence under the law of that part of the United Kingdom,

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 and shall be liable to be proceeded against and punished accordingly.

- (2) Subsection (1) above shall have effect without prejudice to the operation of section 10 above.

- (3) In this section—

“designated observer” means a United Kingdom national who has been designated as an observer either by or on behalf of Her Majesty’s Government in the United Kingdom or by the Commission under Article 12 of the Convention;

“inspector” means an inspector appointed under section 8 above;

“qualifying agent or employee” means an agent or employee of (or an employee of an agent of) a licensee or the Crown.

12 Strict liability for certain loss or damage etc

- (1) The provisions of the Convention which are set out in Part I of the Schedule to this Act (strict liability for loss or damage etc.)—

- (a) shall have the force of law in the United Kingdom; and
- (b) shall for that purpose be construed in accordance with subsection (2) below and the provisions of the Convention which are set out in Part II of that Schedule.

- (2) In the provisions set out in Part I of the Schedule to this Act—

“Antarctic mineral resource activities” means any activities carried on in Antarctica for, or for purposes connected with, the exploration or exploitation of mineral resources;

“the Antarctic Treaty” means the Antarctic Treaty done at Washington on 1st December 1959;

“operator” means a licensee or, in the case of activities carried on by or on behalf of the Crown, the Crown.

13 Civil liability for breach of statutory duty

- (1) Breach of a duty imposed on any person by a provision of regulations made under section 6 above which states that this subsection applies to such a breach shall be actionable so far, and only so far, as the breach causes personal injury; and references in—
 - (a) section 1 of the Fatal Accidents Act 1976;
 - (b) section 1 of the Damages (Scotland) Act 1976; and
 - (c) Article 3(1) of the Fatal Accidents (Northern Ireland) Order 1977,to a wrongful act, neglect or default shall include references to any such breach which is so actionable.
- (2) Nothing in subsection (1) above shall prejudice any action which lies apart from the provisions of that subsection.
- (3) The provisions of this section, and any provisions of regulations made under section 6 above to which they relate, shall bind the Crown.
- (4) In this section “personal injury” includes any disease, any impairment of a person’s physical or mental condition and any fatal injury.