



Antarctic Act 1994

1994 CHAPTER 15

PART II

ENVIRONMENTAL PROTECTION

Permits under Part II: further provisions

12 Grant of permits for activities prohibited by ^[F1]sections 7 to 9].

^[F2](1) The Secretary of State may on the application of any person grant to him a permit authorising any United Kingdom national ^[F3], or any non-national on a British expedition,] who is specified or of a description specified in the permit to do anything specified or of a description specified in the permit that would otherwise constitute a contravention of section 7(1), 8(1) ^[F4], 8A(1)] or 9(1).

^[F5](2) The Secretary of State shall not grant a permit under this section in respect of a non-national on a British expedition unless he is satisfied that the activities authorised by the permit will be carried on only for the purposes of education or scientific research.]

Textual Amendments

- F1** Words in s. 12 heading substituted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 16(7)(a)**, 18(4)(a)
- F2** S. 12 renumbered (26.5.2013) as s. 12(1) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 14(4)(a)**, 18(4)(a)
- F3** Words in s. 12(1) inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 14(4)(b)**, 18(4)(a)
- F4** Words in s. 12 inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 16(7)(b)**, 18(4)(a)
- F5** S. 12(2) inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 14(4)(c)**, 18(4)(a)

13 Conditions attached to permits under Part II.

- (1) The Secretary of State may on granting a permit under this Part attach to it such conditions as he thinks fit, including—
- (a) conditions to be complied with by persons doing anything authorised by the permit,

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- (b) in the case of a permit granted under section 5, conditions to be complied with by the master and crew of any vessel to which the permit relates or by the commander and crew of any aircraft to which the permit relates, and
 - (c) conditions requiring the person to whom the permit is granted to provide information to the Secretary of State.
- (2) If any person contravenes a condition attached to a permit under subsection (1)—
- (a) he shall be guilty of an offence, and
 - (b) if the permit was granted to another person, that other person shall be guilty of an offence.

14 Permits: applications, production, revocation and suspension.

- (1) Regulations may make provision—
- (a) as to the procedure for making applications for permits under this Part,
 - (b) as to the circumstances in which, the persons to whom, and the persons by whom, permits may be required to be produced,
 - (c) as to the circumstances in which permits are liable to be revoked or suspended by the Secretary of State,
 - (d) as to the notice to be given before permits are revoked or suspended, and as to the other procedure to be followed in relation to the revocation or suspension of permits, and
 - (e) for appeals against the revocation or suspension of permits, and as to the procedure to be followed in relation to such appeals (including provision in accordance with which such procedure is to be determined).
- (2) Any person who without reasonable excuse fails to produce a permit in compliance with a requirement made in accordance with regulations under subsection (1)(b) shall be guilty of an offence.

15 Duty to have regard to the Protocol and to measures implementing the Protocol.

The Secretary of State shall have regard to the provisions of the Protocol and to any measures for the implementation of the Protocol that have become effective by virtue of paragraph 4 of Article IX of the Antarctic Treaty—

- (a) in considering in any case whether to grant a permit under section 3, 4, 5 [^{F6}, 10] or 12,
- (b) in any case where he grants a permit under section 3, 4, 5 [^{F7}, 10] or 12, in considering whether to attach any conditions to it under section 13(1), and
- (c) in exercising his power to make regulations under section 14(1)(c) in relation to a permit granted under section 3, 4, 5 [^{F8}, 10] or 12.

Textual Amendments

- F6** Word in s. 15(a) inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 15(3)**, 18(4)(a)
- F7** Word in s. 15(b) inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 15(3)**, 18(4)(a)
- F8** Word in s. 15(c) inserted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), **ss. 15(3)**, 18(4)(a)

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16 Delegation of powers under sections [F9]10,] 11 and 12 etc.

- (1) Any of the Secretary of State's powers relating to the granting of permits under section [F10]10,] 11 or 12, or the revocation or suspension of permits granted under section [F10]10,] 11 or 12, may be delegated by him to any person—
 - (a) who holds office as Administrator of the British Antarctic Territory (or who holds an appointment, by whatever name called, having functions similar to those performed by the person holding that office on the date of the passing of this Act),
 - (b) who holds office as Director of the British Antarctic Survey (or who holds an appointment, by whatever name called, having functions similar to those performed by the person holding that office on the date of the passing of this Act), or
 - (c) who is for the time being running a station in Antarctica on behalf of a person such as is mentioned in paragraph (b).
- (2) Where any powers have been delegated under subsection (1) to a person such as is mentioned in paragraph (a) or (b) of that subsection, they may be exercised by any person who—
 - (a) is for the time being exercising the functions of the person to whom the powers have been delegated, and
 - (b) is authorised (whether generally or specially) for the purposes of this section by that person or by the Secretary of State.
- (3) References in sections 13 to 15 to the Secretary of State include references to any person exercising any powers by virtue of this section.
- (4) Any person to whom powers have been delegated under subsection (1) shall, as soon as practicable after the end of—
 - (a) the period ending with the first 30th June after the delegation took effect, and
 - (b) every subsequent period of twelve months ending with 30th June during any part of which the delegation has effect,give a report to the Secretary of State in respect of that period.
- (5) A report given under subsection (4) in respect of a period shall contain such particulars as the Secretary of State may require of—
 - (a) any permits granted, revoked or suspended during that period by the person giving the report (or by any other person exercising the powers delegated to that person), and
 - (b) any information received during that period by the person giving the report (or by any other person exercising the powers delegated to that person) in accordance with conditions attached to permits.
- (6) The Secretary of State may from time to time by notice in writing to a person to whom powers have been delegated substitute a different period for any period in respect of which that person is required to give a report under subsection (4).

Textual Amendments

F9 Word in s. 16 heading inserted (26.5.2013) by Antarctic Act 2013 (c. 15), ss. 15(4)(a), 18(4)(a)

F10 Words in s. 16(1) inserted (26.5.2013) by Antarctic Act 2013 (c. 15), ss. 15(4)(b), 18(4)(a)

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