



# Antarctic Act 1994

## 1994 CHAPTER 15

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *International rights, obligations and arrangements*

- 25 Power to make further provision in connection with the Antarctic Treaty, the Protocol and the Convention.**
- (1) Regulations may make provision for the purpose of implementing any right or obligation of the United Kingdom created or arising by or under any of the Agreements.
  - (2) In subsection (1) “the Agreements” means—
    - (a) the Antarctic Treaty, the Protocol and the Convention (as they have effect on the date of the passing of this Act or subsequently), and
    - (b) any annex or protocol to the Antarctic Treaty, the Protocol or the Convention (as any such annex or protocol has effect on the date of the passing of this Act or, if later, the date on which it is made, or subsequently).
  - (3) Regulations may make provision for the purpose of giving effect to any recommendations made in accordance with Article IX(1) of the Antarctic Treaty (recommendations to the governments of the parties to the Antarctic Treaty of measures in furtherance of its principles and objectives).
  - (4) Regulations under subsection (1) or (3) may not create any new criminal offence punishable with a penalty greater than that provided for in section 20 in respect of offences under Part II.
- 26 Power to extend the application of sections 6 to 12.**
- Where the Secretary of State thinks fit in the light of any arrangements made by Her Majesty’s government in the United Kingdom with another State, regulations may

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provide for any of the provisions of sections 6 to 12 to apply in relation to persons having such connection with that other State as may be specified in the regulations as they apply in relation to United Kingdom nationals.

*Offences under this Act: further provisions*

**27 Meaning of “offence under this Act”.**

In the following provisions of this Act “offence under this Act” includes any offence committed by virtue of section 21, 22 or 23 and any offence (wherever committed) of incitement to commit an offence under Part II, conspiracy to commit an offence under Part II or attempting to commit an offence under Part II.

**28 Institution of proceedings.**

- (1) Proceedings for an offence under this Act shall not be instituted in England and Wales except—
  - (a) by the Secretary of State or a person authorised by him for the purposes of this section, or
  - (b) by or with the consent of the Director of Public Prosecutions.
- (2) Proceedings for an offence under this Act shall not be instituted in Northern Ireland except—
  - (a) by the Secretary of State or a person authorised by him for the purposes of this section, or
  - (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.

**29 Power of arrest etc.**

- (1) Regulations may make provision for the arrest—
  - (a) in any part of the area south of the Antarctic Convergence of any person suspected of committing an offence under section 11(2), under section 13(2) in relation to a condition attached to a permit granted under section 11, or by virtue of section 23, and
  - (b) in any part of Antarctica of any person suspected of committing any other offence under this Act.
- (2) Regulations may make provision for—
  - (a) the conveyance in custody of any person arrested under regulations made by virtue of subsection (1) to any place where he can be tried for the offence in question,
  - (b) the seizure and detention of any article which may be evidence of an offence under this Act and its conveyance to any place where a person charged with that offence can be tried, and
  - (c) securing the attendance, before any court by which a person can be tried for an offence under this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

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### **30 Evidence.**

- (1) For the purposes of any proceedings for an offence under this Act a certificate signed by or on behalf of the Secretary of State and stating that at the time specified in the certificate—
  - (a) a State was or was not a party to the Protocol,
  - (b) a person was or was not an Antarctic Treaty official as defined in section 22, or
  - (c) a person was or was not a Convention official as defined in section 23,shall be conclusive evidence of the facts stated in it.
- (2) A document purporting to be a certificate such as is mentioned in subsection (1) shall be deemed to be such a certificate unless the contrary is proved.
- (3) A document purporting to be a written authorisation such as is mentioned in section 3(4), 5(1), 7(1), 8(1) or 9(1) shall be deemed to be such an authorisation unless the contrary is proved.

### *Interpretation*

### **31 Interpretation.**

- (1) In this Act—

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander by the operator of the aircraft, or if there is no such person, the person who is for the time being the pilot in command of the aircraft;

“contravenes” includes fails to comply with (and “contravention” has a corresponding meaning);

“expedition” includes any tour or other journey, whatever its purpose, made by one or more persons;

“land” includes any ice-shelf;

“master”, in relation to a vessel, includes any person for the time being in charge of the vessel (other than a pilot);

“native bird” means a bird of any species indigenous to Antarctica or occurring there seasonally through natural migrations (and includes an egg of such a bird);

“native invertebrate” means a terrestrial or freshwater invertebrate indigenous to Antarctica (at any stage of its life cycle);

“native mammal” means a mammal of any species indigenous to Antarctica or occurring there seasonally through natural migrations;

“native plant” means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, indigenous to Antarctica, and includes such vegetation at any stage of its life cycle (including seeds and other propagules of such vegetation);

“operator”, in relation to a vessel or aircraft, means the person for the time being having the management of that vessel or aircraft;

“regulations” means regulations made by the Secretary of State;

“station” includes any building or group of buildings;

“United Kingdom national” means—

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- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
  - (b) a British subject under the <sup>M1</sup>British Nationality Act 1981;
  - (c) a British protected person within the meaning of that Act;
  - (d) a Scottish partnership;
  - (e) a body incorporated under the law of any part of the United Kingdom; “vessel” includes a hovercraft.
- (2) For the purposes of this Act the Antarctic Convergence shall be taken to be a line running along parallels of latitude and meridians of longitude that joins the following points—
- 50° South latitude 0°;
  - 50° South latitude 30° East longitude;
  - 45° South latitude 30° East longitude;
  - 45° South latitude 80° East longitude;
  - 55° South latitude 80° East longitude;
  - 55° South latitude 150° East longitude;
  - 60° South latitude 150° East longitude;
  - 60° South latitude 50° West longitude;
  - 50° South latitude 50° West longitude; and
  - 50° South latitude 0°.

**Marginal Citations**

**M1** 1981 c. 61.

*Supplementary*

**32 Orders and regulations.**

- (1) Regulations under this Act may make—
  - (a) different provision for different cases or circumstances, and
  - (b) incidental and supplementary provision.
- (2) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument.
- (3) A statutory instrument containing any regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**33 Repeals.**

The enactments mentioned in the Schedule to this Act (which include enactments that have not come into force and enactments superseded by provisions of this Act) are repealed to the extent specified in the third column of that Schedule.

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#### Commencement Information

- II** [S. 33](#) partly in force; [s. 33](#) not in force at Royal Assent see [s. 35](#); [s. 33](#) in force for certain purposes at 1.11.1995 by [S.I. 1995/2748](#), [art. 2](#)

### 34 Extent.

- (1) This Act extends to Northern Ireland.
- (2) Her Majesty may by Order in Council direct that any provision of this Act shall extend to the Channel Islands, the Isle of Man or any colony.
- (3) An Order in Council under subsection (2) may provide for such provisions as may be specified in the Order to have effect in any territory in respect of which it is made—
  - (a) with the substitution for any reference to a United Kingdom national of a reference to a different description of person;
  - (b) with the substitution for any reference to the United Kingdom (or to a place in, or part of, the United Kingdom) of a reference to that territory (or to a place in, or part of, that territory);
  - (c) with such other modifications (including additions or omissions) as may be specified in the Order.

### 35 Commencement.

- (1) This Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different provisions and different purposes.

#### Subordinate Legislation Made

- P1** [S. 35](#) power partly exercised (9.10.1995): 1.11.1995 appointed for specified provisions by [S.I. 1995/2748](#), [art. 2](#)
- [S. 35](#) power partly exercised (3.10.1996): 1.11.1996 appointed for specified provisions by [S.I. 1996/2666](#), [art. 2](#)
- [S. 35](#) power partly exercised (26.5.1997): 1.6.1997 appointed for specified provisions by [S.I. 1997/1411](#), [art. 2](#)
- [S. 35](#) power partly exercised (22.9.1997): 1.10.1997 appointed for specified provisions by [S.I. 1997/2298](#), [art. 2](#)
- [S. 35](#) power partly exercised (22.12.1997): 14.1.1998 appointed for specified provisions by [S.I. 1997/3068](#), [art. 2](#)

### 36 Short title.

This Act may be cited as the Antarctic Act 1994.

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