

ANTARCTIC ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Environmental Emergencies

Information

Section 7 – Duty to inform the Secretary of State

39. *Section 7* requires organisers of activities in Antarctica which are connected to the United Kingdom to inform the Secretary of State promptly of any environmental emergency of which they become aware as a result of the carrying out of those activities. There is a duty on a person to inform the Secretary of State on becoming aware of an environmental emergency even where the activities of that person did not cause the environmental emergency (*subsection (2)*). Failure to inform the Secretary of State as required is an offence (*subsection (3)*), the penalties for which are set out in *subsection (5)*. *Subsection (4)* provides that a person shall not be guilty of an offence if he or she informed the Secretary of State as soon as practicable in all the circumstances of the environmental emergency. This reflects Article 4(3) of the Liability Annex.

Section 8 – Secretary of State’s power to require information

40. This section enables the Secretary of State by notice to require specific and detailed information from those organising activities connected with the United Kingdom in Antarctica in the event that those activities appear to the Secretary of State to have, directly or indirectly, caused an environmental emergency or an incident which has the potential to cause an adverse impact on the environment of Antarctica. Failure to comply with a request for information within the time period specified is an offence (see *subsection (4)*), except if the person does not have the information and could not reasonably be expected to obtain it (*subsection (5)*). *Subsection (7)* prohibits the use of information given by a person pursuant to a notice under this section from being used in evidence against the person in any criminal proceedings.