



# Antarctic Act 2013

## 2013 CHAPTER 15

### PART 2

#### MISCELLANEOUS AND FINAL

##### *Miscellaneous*

#### **14 Application of offences to non-nationals**

- (1) The Antarctic Act 1994 is amended as follows.
- (2) In the following provisions, after “United Kingdom national” insert “, and no non-national on a British expedition,”
  - (a) section 7(1) (offence of damaging flora and fauna etc);
  - (b) section 8(1) (offence of introducing non-native animals and plants);
  - (c) section 9(1) (offence of entering or remaining in restricted areas);
  - (d) section 10(1) (offence of damaging etc certain sites and monuments);
  - (e) section 11(1) (offence of entering or remaining in protected place).
- (3) In section 11 (protected places)—
  - (a) in subsection (3) (permits), after “United Kingdom national” insert “, or any non-national on a British expedition,”;
  - (b) after that subsection insert—

“(4) 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.”
- (4) In section 12 (permits for activities prohibited by sections 7, 8 and 9)—
  - (a) the existing provision becomes subsection (1);
  - (b) in that provision, after “United Kingdom national” insert “, or any non-national on a British expedition,”;

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(c) after that provision insert—

“(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.”

(5) In section 31(1) (interpretation), at the appropriate place insert—

““non-national” means an individual who is not a United Kingdom national;”.

*Consequential*

(6) In section 3 (permits for British expeditions), in subsection (3), for “section” substitute “Act”.

(7) In section 31(1) (interpretation), at the appropriate place insert—

““British expedition” has the meaning given by section 3;”.

## **15 Historic Sites and Monuments: permits**

(1) The Antarctic Act 1994 is amended as follows.

(2) In section 10 (Historic Sites and Monuments)—

(a) in subsection (1), at the end insert “, except in accordance with a permit granted under this section or under the written authorisation of another Contracting Party”;

(b) at the end insert—

“(3) The Secretary of State may on the application of any person grant to him a permit authorising any United Kingdom national, 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 subsection (1).

(4) The Secretary of State shall not grant a permit under this section unless he is satisfied that the activities authorised by the permit will be carried on only for the purposes of conservation or repair of—

(a) the Antarctic Historic Site or Monument to which the permit relates, or

(b) any object within it.”

*Consequential*

(3) In section 15 (duty to have regard to Protocol), in each of paragraphs (a), (b) and (c), after “5” insert “, 10”.

(4) In section 16 (delegation of powers)—

(a) in the heading, after “sections” insert “, 10,”;

(b) in subsection (1), after “section”, in both places, insert “, 10,”.

(5) In section 30 (evidence), in subsection (3), for “or 9(1)” substitute “, 9(1) or 10(1)”.

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## 16 Conservation of animals and plants

- (1) The Antarctic Act 1994 is amended as follows.
- (2) In section 7 (conservation of Antarctic fauna and flora), in subsection (1)(e), after “native plant” insert “ or native invertebrate ”.
- (3) In that section, after subsection (1) insert—

“(1A) Accidental harm occurring in the course of—

  - (a) normal operations of a vessel, or
  - (b) the activity of fishing for profit,

shall not be regarded as a contravention of subsection (1)(e), (f) or (g).”
- (4) In section 8 (permits required for introducing non-native animals and plants) for subsection (2) substitute—

“(2) The keeping of—

  - (a) a recognised assistance dog on board a vessel in Antarctica,
  - (b) another animal on board such a vessel where the vessel is travelling to an immediate destination outside Antarctica, or
  - (c) a plant on board a vessel in Antarctica,

shall not be regarded as a contravention of subsection (1).”
- (5) In that section, at the end insert—

“(4) Nothing in this section prohibits the introduction of a microscopic organism.

(5) In this section—

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

“recognised assistance dog” means a dog which has been trained to assist a disabled person by a person, or a person of a description, prescribed in regulations.”
- (6) After that section insert—

### “8A Introduction of microscopic organisms

- (1) No United Kingdom national, and no non-national on a British expedition, may introduce into any part of Antarctica any microscopic organism of a species which is not indigenous to Antarctica, except in accordance with a permit granted under section 12 or under written authorisation of another Contracting Party.
- (2) Subsection (1) does not apply to a person if the person took reasonable precautions to prevent the introduction of the organism.
- (3) Subsection (1) does not apply in relation to an organism inhabiting the human body or the body of an animal.
- (4) Any person who contravenes subsection (1) shall be guilty of an offence.”
- (7) In section 12 (grant of permits for activities prohibited by sections 7, 8 and 9)—

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- (a) in the heading, for “sections 7, 8 and 9” substitute “ sections 7 to 9 ”;
  - (b) after “8(1)” insert “ , 8A(1) ”.
- (8) After section 8A (as inserted by subsection (6) above) insert—
- “8B Introduction of non-sterile soil**
- (1) No United Kingdom national, and no non-national on a British expedition, may introduce non-sterile soil into any part of Antarctica.
  - (2) Subsection (1) does not apply to a person if the person took reasonable precautions to prevent the introduction of the non-sterile soil.
  - (3) Any person who contravenes subsection (1) shall be guilty of an offence.”
- (9) In section 31 (interpretation), in subsection (1)—
- (a) in the definitions of “native bird” and “native mammal” omit “or occurring there seasonally through natural migrations”;
  - (b) in the definition of “native invertebrate” after “terrestrial” insert “ , marine ”;
  - (c) in the definition of “native plant” after “terrestrial” insert “ , marine ”.
- (10) In that section, after subsection (1) insert—
- “(1A) In this Act, references to a species “indigenous to Antarctica” include a species occurring in Antarctica through natural migration.”

*Final*

**17 Northern Ireland**

- (1) In Schedule 2 to the Northern Ireland Act 1998 (excepted matters), after paragraph 20 insert—
- “20A Regulation of activities in Antarctica (which for these purposes has the meaning given by section 1 of the Antarctic Act 1994).”
- (2) The provision inserted by subsection (1) shall be regarded as having been included in Schedule 2 to the Northern Ireland Act 1998 since the day on which that Schedule came into force.

**18 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Subsections (2) and (3) of section 34 of the Antarctic Act 1994 (power to extend to the Channel Islands, Isle of Man and British overseas territories) apply in relation to—
  - (a) the provisions of Part 1, and
  - (b) the provisions of the Antarctic Act 1994 as amended by sections 14 to 16.
- (3) Part 1 comes into force on such day as the Secretary of State may by order made by statutory instrument appoint (and different days may be appointed for different purposes).

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- (4) In this Part—
- (a) sections 14 to 16 come into force at the end of the period of two months beginning with the day on which this Act is passed;
  - (b) section 17 and this section come into force on the day on which this Act is passed.
- (5) This Act may be cited as the Antarctic Act 2013.

**Changes to legislation:**

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