

# **DEEP SEA MINING ACT 2014**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

3. Under Part XI of the United Nations Convention on the Law of the Sea, as modified by an Agreement on the Implementation of Part XI adopted in 1994, (“the Convention”) provision is made for the regulation of mining on the deep sea bed. In broad terms, the system involves a contractor being sponsored by a State Party, which must in turn be able to exercise effective control over that contractor under its own law. A contractor must then enter into a contract with the International Seabed Authority (“the Authority”) before it can start exploring for or exploiting the mineral resources of the deep sea bed.
4. For many years there was little interest in deep sea mining, but before the Bill for this Act was introduced a number of commercial companies had already made applications to the Authority to explore for polymetallic nodules. Two of these applications were sponsored by the United Kingdom and one had already been successfully accepted by the Council of the Authority.
5. Although the existing United Kingdom legislation, the Deep Sea Mining (Temporary Provisions) Act 1981 (“the 1981 Act”), was enacted prior to the adoption of the Convention, it nevertheless gave sufficient power to grant licences to explore for polymetallic nodules to the company which made the applications to the Authority, thereby ensuring that the United Kingdom was able to exercise effective control over the company, and was therefore able to avoid any liability under Annex III, Article 4(4), of the Convention.
6. However, the 1981 Act was out of date and this Act makes amendments to it so that it is consonant with the Convention. In particular, the 1981 Act was based upon the idea that there would be a number of states which would sponsor the activities of their nationals, and that each such state would reciprocally recognise the activities of companies of the other states; whereas under the Convention regulation is ensured through the Authority. Furthermore, the 1981 Act (as originally enacted) only applied to polymetallic nodules, not to other mineral resources of the deep sea bed, in relation to two of which (polymetallic sulphides and cobalt-rich crusts) the Authority has already adopted regulations. Finally, under the Convention there are two provisions which require judicial and arbitral decisions to be recognised, but there was no implementing provision in UK law.