

EXPLANATORY MEMORANDUM TO

THE ANTARCTIC (RECOGNISED ASSISTANCE DOG) REGULATIONS 2016

2016 No. 697

1. Introduction

- 1.1 This explanatory memorandum has been prepared by Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The Regulations revoke and replace The Antarctic (Recognised Assistance Dog) Regulations 2015 (S.I. 2015/126) which prescribe the persons who may train recognised assistance dogs to enable them to be kept on a vessel in Antarctica without a permit. The new Regulations include the charity or company registration numbers of the organisations specified in the original Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 These Regulations are made to correct the defect in the drafting of the original Regulations, as detailed in the Joint Committee's Twenty-Seventh Report dated 25 March 2015. These Regulations will be issued free of charge to all known recipients of the 2015 Regulations.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The Antarctic Act 1994 makes it an offence for UK nationals and non-nationals on British expeditions to introduce into Antarctica any animals that are not indigenous to Antarctica, except in accordance with a permit issued by the Secretary of State.
- 4.2 The prohibition does not apply to the keeping on board a vessel in Antarctica of a recognised assistance dog trained by a person or a person of a description prescribed in regulations. These Regulations prescribe persons for this purpose.

5. Extent and Territorial Application

- 5.1 This extent of this instrument is the whole of the United Kingdom.
- 5.2 The territorial application of this instrument is the whole of the United Kingdom. This instrument also applies to a "British expedition", as defined in Section 3(3) of the Antarctic Act 1994 as amended by the Antarctic Act 2013, whilst in Antarctica.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 The United Kingdom is a Party to the Antarctic Treaty, the international agreement for the governance of the continent of Antarctica. Specifically, the United Kingdom is also a State Party to the Environmental Protocol to the Antarctic Treaty (“the Environmental Protocol”), which provides for the comprehensive protection of the Antarctic environment and which entered into force in 1998.
- 7.2 The Antarctic Act 1994, as amended by the Antarctic Act 2013, implements the United Kingdom’s obligations arising under the Environmental Protocol, including the requirement to authorise and control activities of its nationals, vessels and aircraft operating in Antarctica.
- 7.3 Under that Act it is an offence for UK nationals and non-nationals on British expeditions to introduce into Antarctica any animals or species that are not indigenous to Antarctica. This is to protect the continent and its wildlife from the threat of non-native invasive species taking a hold there; a growing threat given the climatic changes being seen in Antarctica and steadily increasing scientific and tourism activities in Antarctica.
- 7.4 The offence does not apply to recognised assistance dogs trained by persons prescribed by the Secretary of State.
- 7.5 These Regulations prescribe the list of persons recognised to train assistance dogs. The list of persons is based on that used by the ‘The Airport Protocol for Entry of Assistance Dogs under the Pet Travel Scheme’ that is operated by the Animal Health and Veterinary Laboratories Agency (AHVLA).
- 7.6 These Regulations will have practical effect only in very rare circumstances. The Polar Regions Department of the Foreign and Commonwealth Office that operates the UK’s Antarctic permitting system estimates less than one case per year.

8. Consultation outcome

- 8.1 No formal consultation was conducted as these Regulations mirror the original Regulations save for the inclusion of the charity or company registration numbers. However, informal advice was sought from DEFRA and Guide Dogs UK about accredited bodies that train assistance dogs in advance of the introduction of The Antarctic (Recognised Assistance Dog) Regulations 2015 (S.I. 2015/126).

9. Guidance

- 9.1 Guidance on visiting Antarctica and applying for permits is already published by the Foreign and Commonwealth Office on the government’s website (<https://www.gov.uk/visits-to-antarctica-how-to-apply-for-a-permit>).

10. Impact

- 10.1 The impact on business, charities or voluntary bodies of these Regulations is minimal.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 No specific action regarding small businesses has been taken as there are no additional costs associated with these Regulations.

12. Monitoring & review

12.1 The objective is to provide legal clarity on who can train assistance dogs which do not require a permit to be on board a vessel in Antarctica. As the operator of the permitting regime, the Polar Regions Department of the Foreign and Commonwealth Office will monitor the use of the provision.

13. Contact

13.1 Lowri Mai Griffiths at the Foreign and Commonwealth Office Telephone: 020 7008 3054 or email: lowri.griffiths@fco.gov.uk can answer any queries regarding the instrument.