



Antarctic Act 1994

1994 CHAPTER 15

PART II

ENVIRONMENTAL PROTECTION

Offences under Part II

17 Proceedings for offences under Part II.

Proceedings for an offence under this Part may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.

Modifications etc. (not altering text)

- C1 S. 17 applied (31.12.2020 immediately before IP completion day) by [The Antarctic Act 1994](#) (Convention for the Conservation of Antarctic Marine Living Resources) Regulations 2020 (S.I. 2020/1251), regs. 1(1), **9(1)(a)**

18 Defences.

- (1) Where a person is charged with an offence under section 3(5), (6) or (7), 4(3) or (4), 5(4) or 13(2) it shall be a defence to prove that the contravention in question occurred by reason of matters outside his control and that he took all reasonable precautions to avoid such a contravention.
- (2) Subject to subsection (3), where a person is charged with an offence under this Part it shall be a defence to prove that the contravention in question occurred in a case of emergency relating to—
 - (a) the safety of human life, vessels or aircraft,
 - (b) the safety of equipment and facilities of high value, or
 - (c) the protection of the environment.

Changes to legislation: There are currently no known outstanding effects for the Antarctic Act 1994, Cross Heading: Offences under Part II. (See end of Document for details)

- (3) Subsection (2) does not apply where the contravention in question is a contravention of section 6(1) or of a condition attached to a permit granted under section 6(3).
- (4) Where a person is charged with an offence under section 7(2) in respect of a contravention of section 7(1)(a), it shall be a defence to prove that the act in question was done for the relief of the suffering of the mammal or bird in question.

19 Offences committed by bodies corporate and Scottish partnerships.

- (1) Where an offence under this Part has been committed by a body corporate and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
 he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Where an offence under this Part has been committed by a Scottish partnership and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Modifications etc. (not altering text)

- C2** [S. 19](#) applied (31.12.2020 immediately before IP completion day) by [The Antarctic Act 1994](#) (Convention for the Conservation of Antarctic Marine Living Resources) Regulations 2020 (S.I. 2020/1251), regs. 1(1), **9(1)(b)**

20 Penalties.

Any person who is guilty of an offence under this Part shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both, and on summary conviction to a fine not exceeding the statutory maximum.

Changes to legislation:

There are currently no known outstanding effects for the Antarctic Act 1994, Cross Heading:
Offences under Part II.