



Antarctic Act 1994

1994 CHAPTER 15

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Offences under this Act: further provisions

27 Meaning of “offence under this Act”.

In the following provisions of this Act “offence under this Act” includes any offence committed by virtue of section 21, 22 or 23 and any offence (wherever committed) of incitement to commit an offence under Part II, conspiracy to commit an offence under Part II or attempting to commit an offence under Part II.

Modifications etc. (not altering text)

C1 S. 27 modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1), 94(1), [Sch. 6 para. 23](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)

28 Institution of proceedings.

- (1) Proceedings for an offence under this Act shall not be instituted in England and Wales except—
 - (a) by the Secretary of State or a person authorised by him for the purposes of this section, or
 - (b) by or with the consent of the Director of Public Prosecutions.
- (2) Proceedings for an offence under this Act shall not be instituted in Northern Ireland except—
 - (a) by the Secretary of State or a person authorised by him for the purposes of this section, or

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

- (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Modifications etc. (not altering text)

- C2** S. 28 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)(c)**

29 Power of arrest etc.

- (1) Regulations may make provision for the arrest—
- (a) in any part of the area south of the Antarctic Convergence of any person suspected of committing an offence under section 11(2), under section 13(2) in relation to a condition attached to a permit granted under section 11, or by virtue of section 23, and
 - (b) in any part of Antarctica of any person suspected of committing any other offence under this Act.
- (2) Regulations may make provision for—
- (a) the conveyance in custody of any person arrested under regulations made by virtue of subsection (1) to any place where he can be tried for the offence in question,
 - (b) the seizure and detention of any article which may be evidence of an offence under this Act and its conveyance to any place where a person charged with that offence can be tried, and
 - (c) securing the attendance, before any court by which a person can be tried for an offence under this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

30 Evidence.

- (1) For the purposes of any proceedings for an offence under this Act a certificate signed by or on behalf of the Secretary of State and stating that at the time specified in the certificate—
- (a) a State was or was not a party to the Protocol,
 - (b) a person was or was not an Antarctic Treaty official as defined in section 22, or
 - (c) a person was or was not a Convention official as defined in section 23,
- shall be conclusive evidence of the facts stated in it.
- (2) A document purporting to be a certificate such as is mentioned in subsection (1) shall be deemed to be such a certificate unless the contrary is proved.
- (3) A document purporting to be a written authorisation such as is mentioned in section 3(4), 5(1), 7(1), 8(1) [^{F1}, 9(1) or 10(1)] shall be deemed to be such an authorisation unless the contrary is proved.

Textual Amendments

- F1** Words in s. 30(3) substituted (26.5.2013) by [Antarctic Act 2013 \(c. 15\)](#), ss. **15(5)**, 18(4)(a)

Changes to legislation:

There are currently no known outstanding effects for the Antarctic Act 1994, Cross Heading:
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