



# Antarctic Act 2013

## 2013 CHAPTER 15

### PART 1

#### ENVIRONMENTAL EMERGENCIES

PROSPECTIVE

#### *Application of this Part*

#### **9 General exclusions**

##### *Excluded persons*

- (1) Nothing in this Part imposes any criminal or civil liability on an individual who organises activities—
  - (a) as the employee of another person;
  - (b) in the course of service as a member of the regular forces;
  - (c) in the course of service or undertaking training or duties as a member of the reserve forces.
- (2) In subsection (1), “regular forces” and “reserve forces” have the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).

##### *Excluded activities*

- (3) In this Act, references to activities do not include—
  - (a) the activity of fishing for profit, or
  - (b) activities carried out or to be carried out in Antarctica on a vessel or aircraft travelling to an immediate destination outside Antarctica.
- (4) In subsection (3)(b) “vessel” has the same meaning as in the Antarctic Act 1994 (see section 31(1) of that Act).

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*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Antarctic Act 2013, Cross Heading: Application of this Part. (See end of Document for details)

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### *Excluded emergencies*

- (5) A person is not guilty of an offence under section 1, or liable under section 2 or 3, in relation to an environmental emergency caused by—
- (a) an act or omission necessary to protect human life or safety;
  - (b) a natural disaster, where the person had complied with the requirements of section 5(2) (preventative measures) in relation to disasters of that description;
  - (c) an act of terrorism;
  - (d) an act of belligerency against the activities of the person;
  - (e) action which was itself reasonable response action relating to a prior environmental emergency.

## **10 The Crown**

- (1) This Part binds the Crown, except as otherwise expressly provided.
- (2) No contravention of any provision of this Part makes the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may on the application of the Secretary of State declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown (but see section 9(1)).
- (4) For the purposes of this Part, references to the Crown are to be regarded as including—
  - (a) [<sup>F1</sup>United Kingdom Research and Innovation] (including the British Antarctic Survey), and
  - (b) any other person specified by order made by the Secretary of State.

### **Textual Amendments**

- F1** Words in s. 10(4)(a) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 27\(1\)](#); S.I. 2018/241, reg. 2(t)

**Status:**

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**Changes to legislation:**

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