



# Antarctic Act 2013

## 2013 CHAPTER 15

### PART 1

#### ENVIRONMENTAL EMERGENCIES

##### *Preparatory measures*

#### **5 Duty to take preventative measures and make contingency plan**

- (1) This section applies to a person organising activities to be carried out in Antarctica, where the activities are connected with the United Kingdom.
- (2) The person must take reasonable preventative measures designed to reduce—
  - (a) the risk of environmental emergencies arising from those activities, and
  - (b) the potential adverse impact of such environmental emergencies.
- (3) Preventative measures under subsection (2) may, for example, include—
  - (a) specialised structures or equipment incorporated into the design and construction of facilities and means of transport;
  - (b) specialised procedures for the operation or maintenance of facilities and means of transport;
  - (c) specialised training.
- (4) The person must also make a contingency plan for responding to—
  - (a) environmental emergencies which result from or affect the carrying on of the activities, and
  - (b) other incidents with a potential adverse impact on the environment of Antarctica which result from or affect the carrying on of the activities.
- (5) A contingency plan under subsection (4) may, for example, include—
  - (a) in the case of an environmental emergency, plans for taking response action (see section 1) and informing the Secretary of State (see section 7);

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of another incident, plans for taking steps in response to the incident and informing the Secretary of State of it.
- (6) The duties in subsections (2) and (4) must be complied with by the time when any of the persons by whom the activities are to be carried out enters Antarctica.
- (7) A person who fails to comply with subsection (2) by the time specified in subsection (6) is guilty of an offence.
- (8) A person who fails to comply with subsection (4) by the time specified in subsection (6) is guilty of an offence.
- (9) A person who is guilty of an offence under this section is liable—
  - (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
  - (b) on summary conviction to a fine not exceeding the statutory maximum.

## **6 Insurance relating to environmental emergencies**

- (1) A person organising activities to be carried out in Antarctica must secure adequate insurance cover or other financial security in respect of the matters referred to in subsection (2).
- (2) Those matters are—
  - (a) the cost of taking any response action which the person may be required to take under section 1 in relation to an environmental emergency arising directly or indirectly from the activities organised by the person;
  - (b) any liability which the person may incur under section 2 or 3 in relation to such an environmental emergency.
- (3) The duty in subsection (1) must be complied with by the time when any of the persons by whom the activities are to be carried out enters Antarctica.
- (4) For the purposes of subsection (1), cover or security is not adequate if it is subject to any limitation, exception or exclusion which makes it fundamentally deficient for the purposes of providing the cover referred to in that subsection.
- (5) In particular, any cover or security required for the purposes of subsection (2)(b) is not adequate if it does not extend up to the limits referred to in the Schedule which are applicable in the particular case.
- (6) A person who fails to comply with subsection (1) by the time specified in subsection (3) is guilty of an offence.
- (7) A person who is guilty of an offence under this section is liable—
  - (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
  - (b) on summary conviction to a fine not exceeding the statutory maximum.
- (8) Subsection (1) does not apply to—
  - (a) the Crown, or
  - (b) another Party to Annex VI or a contractor, sub-contractor or agent of such a party.