



Antarctic Act 2013

2013 CHAPTER 15

PART 1

ENVIRONMENTAL EMERGENCIES

General

PROSPECTIVE

13 Interpretation

Antarctica and the Treaty

(1) In this Part—

“Antarctica” has the same meaning as in the Antarctic Act 1994 (see section 1 of that Act);

“the Antarctic Treaty” means the Antarctic Treaty signed at Washington on 1 December 1959;

“the Protocol” means the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on 4 October 1991;

“Annex VI” means Annex VI to the Protocol (liability arising from environmental emergencies);

“Party to Annex VI” means any party to the Protocol for which Annex VI has become effective in accordance with Article 9 of the Protocol;

“another Party to Annex VI” means a Party to Annex VI other than the United Kingdom;

“the Antarctic Environmental Liability Fund” means the Fund maintained and administered by the Secretariat of the Antarctic Treaty pursuant to Article 12 of Annex VI.

(2) For the purposes of any proceedings under this Part—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Antarctic Act 2013, Section 13. (See end of Document for details)

- (a) a certificate signed by or on behalf of the Secretary of State and stating that, at the time of the certificate, a State was or was not a Party to Annex VI is conclusive evidence of the facts stated in it, and
- (b) a document purporting to be such a certificate is to be deemed to be one unless the contrary is proved.

Environmental emergencies etc

- (3) In this Part, “environmental emergency” means an accidental event that results in, or imminently threatens to result in, any significant harmful impact on the environment of Antarctica.
- (4) In this Part, references to the environment of Antarctica include any concentration in Antarctica of native mammals, birds, plants or invertebrates (within the meaning of the Antarctic Act 1994).

Response action

- (5) In this Part, “response action”, in relation to an environmental emergency, means measures taken after the emergency to prevent, minimise or contain its impact.
- (6) For the purposes of this Part, response action relating to an environmental emergency is “reasonable” if it is—
 - (a) appropriate,
 - (b) practicable,
 - (c) proportionate, and
 - (d) based on objective criteria and available information.
- (7) The criteria referred to in subsection (6)(d) include in particular—
 - (a) risks to the environment of Antarctica and the rate of its natural recovery,
 - (b) risks to human life and safety, and
 - (c) technological and economic feasibility.
- (8) For the purposes of this Part, taking reasonable response action in relation to an emergency—
 - (a) always includes determining the extent and impact of the emergency;
 - (b) may include cleaning up after it.

Activities “connected with” the UK

- (9) For the purposes of this Part, activities are “connected with” the United Kingdom if they are organised in the United Kingdom, the Channel Islands, the Isle of Man or a British overseas territory and—
 - (a) they are, or are to be, carried out on a British expedition, within the meaning of the Antarctic Act 1994 (see section 3(3) of that Act), or
 - (b) in all the circumstances in which they are or are to be carried out, they require a permit under any provision of that Act.

Persons “based in” the UK etc

- (10) For the purposes of this Act a person is “based in” the United Kingdom or another State—

Status: *This version of this provision is prospective.*

Changes to legislation: *There are currently no known outstanding effects for the Antarctic Act 2013, Section 13. (See end of Document for details)*

- (a) in the case of an individual, if the individual's habitual place of residence is there;
- (b) in the case of a body corporate, if the body is incorporated there or the body's principal place of business is there;
- (c) in any other case, if the person's principal place of business is there or the person's activities (other than activities in Antarctica) are principally carried out there.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Antarctic Act 2013, Section 13.