



Antarctic Act 2013

2013 CHAPTER 15

PART 1

ENVIRONMENTAL EMERGENCIES

Civil liability for failure to respond to environmental emergency

PROSPECTIVE

2 Liability to Parties to Annex VI

- (1) This section applies in a case where—
 - (a) activities carried out in Antarctica directly or indirectly give rise to an environmental emergency,
 - (b) the person organising the activities does not take reasonable, prompt and effective response action, and
 - (c) reasonable response action is taken pursuant to Article 5(2) of Annex VI (action by Parties to Annex VI).
- (2) Where the reasonable response action referred to in subsection (1)(c) is taken by the Crown or a person specifically authorised by the Crown and—
 - (a) the person organising the activities is based in the United Kingdom, or
 - (b) the activities are connected with the United Kingdom,the person organising the activities is (subject to this Part) liable to pay to Her Majesty's Government an amount equal to the costs of the action.
- (3) Where the reasonable response action referred to in subsection (1)(c) is taken by another Party to Annex VI or a person specifically authorised by such a Party and—
 - (a) the person organising the activities is based in the United Kingdom, or
 - (b) that person is based in a State which is not a Party to Annex VI but the activities are connected with the United Kingdom,

Status: This version of this provision is prospective.

Changes to legislation: *There are currently no known outstanding effects for the Antarctic Act 2013, Section 2. (See end of Document for details)*

the person organising the activities is (subject to this Part) liable to pay to that Party an amount equal to the costs of the action.

- (4) This section does not impose any liability on—
 - (a) the Crown or a contractor, sub-contractor or agent of the Crown, or
 - (b) another Party to Annex VI or a contractor, sub-contractor or agent of such a Party.
- (5) Proceedings pursuant to this section may be brought by any Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (6) Proceedings may not be brought pursuant to this section after—
 - (a) the end of the period of three years beginning with the day on which the reasonable response action referred to in subsection (1)(c) was commenced, or
 - (b) if later, the end of the period of three years beginning with the day on which Her Majesty's Government or the Party to Annex VI (as the case may be) ascertained, or ought reasonably to have ascertained, the identity of the person organising the activities.
- (7) Subsection (6)(b) does not permit the bringing of proceedings pursuant to this section after the end of the period of fifteen years beginning with the day on which the reasonable response action referred to in subsection (1)(c) was commenced.
- (8) Proceedings pursuant to this section are not subject—
 - (a) in England and Wales, to section 9(1) of the Limitation Act 1980 (time limit for actions for sums recoverable by statute);
 - (b) in Scotland, to section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of 5 years);
 - (c) in Northern Ireland, to Article 4(d) of the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)) (time limit for actions for sums recoverable by virtue of any statutory provision).

Status:

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