



# Antarctic Treaty Act 1967

## 1967 CHAPTER 65

An Act to enable effect to be given to measures for the conservation of Antarctic fauna and flora which, in pursuance of the Antarctic Treaty signed at Washington on 1st December 1959, have been or may hereafter be recommended for approval by contracting parties to that treaty; and for other purposes connected with the Antarctic Treaty. [27th July 1967]

### Textual Amendments

- F1** Act repealed (1.11.1995) (except in respect of the repeal of Sections 6, 7(2)(b) and (7), 8, 9, 10 and 11) by 1994 c. 15, s. 33, [Sch.](#); S.I. 1995/2748, [art. 2](#)

### Modifications etc. (not altering text)

- C1** Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### Commencement Information

- I1** Act wholly in force at Royal Assent.

## 6 Power to make further provision for giving effect to Agreed Measures.

- (1) If it appears to Her Majesty that further provision, in addition to that made by sections 1 to 5 of this Act, is necessary or expedient for giving effect to any of the Agreed Measures, Her Majesty may by Order in Council make such provision accordingly.
- (2) An Order in Council under this section may prescribe penalties for contravention of prohibitions imposed by the Order; but the penalties so prescribed shall not exceed those specified respectively in paragraphs (a) and (b) of section 4(1) of this Act.

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- (3) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

**F7 7 Further powers exercisable by Order in Council.**

- (1) .....
- (2) Her Majesty may by Order in Council—
- (a) .....
- (b) designate (whether by reference to a map or otherwise) as a specially protected area any area which is for the time being specified in Annex B to the Agreed Measures or which has been recommended for inclusion in that Annex in pursuance of Article IX(1) of the Treaty.
- (3) .....
- (4) .....
- (5) .....
- (6) .....
- (7) Any Order in Council made under any of subsections (2) to (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

- F7** Act repealed (1.11.1995) (except in respect of the repeal of Sections 6, 7(2)(b)(7), 8, 9, 10, 11) by [1994 c. 15, s. 33, Sch.](#); [S.I. 1995/2748, art. 2](#)

**8 Proceedings and evidence.**

- (1) Without prejudice to any jurisdiction exercisable apart from this section, proceedings for an offence under any provision of this Act may be taken against any person at any place at which he is for the time being and which is in the United Kingdom or in any other territory to which that provision extends.
- (2) For the purposes of any such proceedings—
- (a) any Order in Council under section 7(1) of this Act shall be conclusive evidence of the matters certified by the Order;
- (b) any document purporting to be a permit issued under this Act, or to be a permit issued by or on behalf of one of the other Contracting Parties, and to be issued in respect of a person bearing the name by which a person is referred to in the proceedings, shall, unless the contrary is proved, be deemed to be a permit issued under this Act, or issued by or on behalf of that Contracting Party, as the case may be, and to relate to the person so referred to;
- (c) any document purporting to be a certificate issued by or on behalf of Her Majesty's Government in the United Kingdom, or by or on behalf of one of the other Contracting Parties, certifying that a person bearing the name by which a person is referred to in the proceedings was designated or made available by or on behalf of that Government or Contracting Party as an observer or

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exchanged scientist, or is or at a time specified in the document was a member of the staff accompanying an observer or exchanged scientist so designated or made available, shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that Government or Contracting Party, and shall, unless the contrary is proved, be sufficient evidence of the fact stated in the document.

## **9 Extension of Act.**

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such exceptions and modifications (if any) as may be specified in the Order, to—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony.

## **10 Interpretation and supplementary provisions.**

- (1) In this Act “the Treaty” means the Treaty set out in Schedule 1 to this Act, and “the Agreed Measures” means the measures set out in Schedule 2 to this Act, being measures recommended for approval by the Contracting Parties:

Provided that, if Schedule 2 to this Act is amended in the exercise of any power conferred by the following provisions of this section, “the Agreed Measures” shall mean the measures set out in that Schedule as so amended.

- (2) If the measures set out in Schedule 2 to this Act are modified before they become effective in pursuance of Article IX(4) of the Treaty, and become effective as so modified, Her Majesty may by Order in Council amend Schedule 2 to this Act in such manner as She may consider requisite for giving effect to those modifications.
- (3) If the measures set out in that Schedule, having become effective (with or without modifications) in pursuance of Article IX(4) of the Treaty, are subsequently amended, either in pursuance of the said Article IX(4) or in pursuance of Article XIV set out in that Schedule, Her Majesty may by Order in Council amend, or (if it has previously been amended, either under the last preceding subsection or under this subsection) may by Order in Council further amend, Schedule 2 to this Act in such manner as She may consider requisite for giving effect to that subsequent amendment of those measures.
- (4) Any Order in Council made under subsection (2) or subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Antarctica” means the area south of the sixtieth parallel of south latitude, excluding any part of the high seas but including all ice shelves south of that parallel;

“the appointed day” means such day as Her Majesty may by Order in Council appoint;

“the Contracting Parties” means the Contracting Parties to the Treaty and “the other Contracting Parties” means the Contracting Parties other than Her Majesty’s Government in the United Kingdom;

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“exchanged scientist” means a person exchanged in pursuance of Article III(1)(b) of the Treaty, and any reference to an exchanged scientist made available by a Contracting Party is a reference to an exchanged scientist who, in pursuance of arrangements made by that Contracting Party, is employed by or serves under another Contracting Party;

“native bird”, “native mammal” and “native plant” have the meanings assigned to them respectively by Article II of the Agreed Measures;

“observer” means a person designated in pursuance of Article VII(1) of the Treaty;

“specially protected area” and “specially protected species” mean respectively an area or species designated under section 7(2) of this Act;

“territory” includes any country;

“vehicle” includes an aircraft while it is on the ground and any reference to driving a vehicle shall be construed as a reference to being in charge of it while it is in motion, whether it is mechanically propelled or not.

- (6) For the purpose of construing any reference in this Act to an offence under any provision of this Act, an act or omission in respect of which a person is guilty of an offence by virtue of section 5 of this Act shall be taken to be an offence under that section.
- (7) Any power conferred by any provision of this Act to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.
- (8) Section 3(1) of the <sup>M1</sup>British Nationality Act 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies) shall not have effect in relation to any offence under any provision of this Act.

#### Subordinate Legislation Made

**P1** [S. 10](#): power previously exercised by [S.I. 1968/886](#) and 1988/586.

**P2** [S. 10](#): s. 7(2)(b) (with s.10(7)) power exercised by [S.I.1991/756](#).

#### Marginal Citations

**M1** [1948 c. 56](#).

## 11 Short title.

This Act may be cited as the Antarctic Treaty Act 1967.

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SCHEDULES

SCHEDULE 1

Section 10.

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SCHEDULE 2

Section 10.

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**Changes to legislation:**

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