



# Antarctic Act 2013

## 2013 CHAPTER 15

### PART 1

#### ENVIRONMENTAL EMERGENCIES

##### *General*

PROSPECTIVE

## 11 Offences

- (1) The following provisions of the Antarctic Act 1994 apply in relation to offences under this Part as if they were offences under Part 2 of that Act—
  - (a) section 17 (places where proceedings may be taken etc);
  - (b) section 19 (offences by bodies corporate and Scottish partnerships);
  - (c) section 28 (consents required for institution of proceedings);
  - (d) section 29(1)(b) and (2) (power to make regulations about arrest etc).
- (2) Where an offence under this Part is committed by an unincorporated association and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) in the case of an unincorporated association which is a partnership, a partner or a person purporting to be a partner, or
  - (b) in the case of any other unincorporated association, an officer of the association or any member of its governing body, or any person who was purporting to act in any such capacity,that person (as well as the association) shall be guilty of that offence and liable to be proceeded against and punished accordingly.
- (3) Proceedings for an offence under this Part alleged to have been committed by an unincorporated association are to be brought against it in its own name.

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

*Changes to legislation: There are currently no known outstanding effects for the Antarctic Act 2013, Section 11. (See end of Document for details)*

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- (4) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents shall have effect as if the association were a body corporate;
  - (b) the following provisions shall apply as they apply in relation to a body corporate—
    - (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980;
    - (ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (5) Where a fine is imposed on an unincorporated association on its conviction for an offence under this Part, the fine shall be paid out of the funds of the association.
- (6) In this section, a reference to an offence under this Part includes—
- (a) an offence of conspiracy or attempting to commit an offence under this Part;
  - (b) in Scotland, an offence of incitement to commit an offence under this Part;
  - (c) in England and Wales and Northern Ireland, an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence under this Part.
- (7) In this section, references to an unincorporated association include a partnership which is not regarded as a legal person under the law of the country or territory under which it is formed.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Antarctic Act 2013, Section 11.