

## SCHEDULE 1

### PROVISIONS OF THE ANTARCTIC ACT 1994 AS MODIFIED AND EXTENDED TO THE TERRITORIES LISTED IN SCHEDULE 2

## PART IV

### MISCELLANEOUS AND SUPPLEMENTARY

#### International rights, obligations and arrangements

#### **Power to make further provision in connection with the Antarctic Treaty, the Protocol and the Convention**

**25.**—(1) Regulations may make provision for the purpose of implementing any right or obligation of the United Kingdom created or arising by or under any of the Agreements.

(2) In subsection (1) “the Agreements” means—

- (a) the Antarctic Treaty, the Protocol and the Convention (as they have effect on 5th July 1994 or subsequently), and
- (b) any annex or protocol to the Antarctic Treaty, the Protocol or the Convention (as any such annex or protocol has effect on 5th July 1994 or, if later, the date on which it is made, or subsequently).

(3) Regulations may make provision for the purpose of giving effect to any recommendations made in accordance with Article IX(1) of the Antarctic Treaty (recommendations to the governments of the parties to the Antarctic Treaty of measures in furtherance of its principles and objectives).

(4) Regulations under subsection (1) or (3) may not create any new criminal offence punishable with a penalty greater than that provided for in section 20 in respect of offences under Part II.

**26.** (omitted).

#### *Offences under this Act: further provisions*

#### **Meaning of “offence under this Act”.**

**27.** In the following provisions of this Act “offence under this Act” includes any offence committed by virtue of section 21, 22 or 23 and any offence (wherever committed) or incitement to commit an offence under Part II, conspiracy to commit an offence under Part II or attempting to commit an offence under Part II.

#### **Institution of proceedings**

**28.** Proceedings for an offence under this Act shall not be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

Provided that this section shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

#### **Power of arrest etc.**

**29.**—(1) Regulations may make provision for the arrest—

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- (a) in any part of the area south of the Antarctic Convergence of any person suspected of committing an offence under section 11(2), under section 13(2) in relation to a condition attached to a permit granted under section 11, or by virtue of section 23, and
  - (b) in any part of Antarctica of any person suspected of committing any other offence under this Act.
- (2) Regulations may make provision for—
- (a) the conveyance in custody of any person arrested under regulations made by virtue of subsection (1) to any place where he can be tried for the offence in question,
  - (b) the seizure and detention of any article which may be evidence of an offence under this Act and its conveyance to any place where a person charged with that offence can be tried, and
  - (c) securing the attendance, before any court by which a person can be tried for an offence under this Act, of any person required to give evidence or produce documents in proceedings relating to that offence.

**30.**—(1) For the purposes of any proceedings for an offence under this Act a certificate signed by or on behalf of the Secretary of State or the Governor and stating that at the time specified in the certificate—

- (a) a State was or was not a party to the Protocol,
- (b) a person was or was not an Antarctic Treaty official as defined in section 22, or
- (c) a person was or was not a Convention official as defined in section 23,

shall be conclusive evidence of the facts stated in it.

(2) A document purporting to be a certificate such as is mentioned in subsection (1) shall be deemed to be such a certificate unless the contrary is proved.

(3) A document purporting to be a written authorisation such as is mentioned in section 3(4), 5(1), 7(1), 8(1) or 9 (1) shall be deemed to be such an authorisation unless the contrary is proved.

## **Interpretation**

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**31.**—(1) In this Act—

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander by the operator of the aircraft, or if there is no such person, the person who is for the time being the pilot in command of the aircraft;

“contravenes” includes fails to comply with (and “contravention” has a corresponding meaning);

“expedition” includes any tour or other journey, whatever its purpose, made by one or more persons;

“Governor” means the Governor or other officer administering the government of the Territory;

“land” includes any ice-shelf;

“master”, in relation to a vessel, includes any person for the time being in charge of the vessel (other than a pilot);

“native bird” means a bird of an species indigenous to Antarctica or occurring there seasonally through natural migrations (and includes an egg of such a bird);

“native invertebrate” means a terrestrial or freshwater invertebrate indigenous to Antarctica (at any stage of its life cycle);

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“native mammal” means a mammal of any species indigenous to Antarctica or occurring there seasonally through natural migrations;

“native plant” means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi and algae, indigenous to Antarctica, and includes such vegetation at any stage of its life cycle (including seeds and other propagules of such vegetation);

“operator”, in relation to a vessel or aircraft, means the person for the time being having the management of that vessel or aircraft;

“regulations” means regulations made by the Governor;

“station” includes any building or group of buildings;

“United Kingdom national” means—

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a British subject under the British Nationality Act 1981<sup>(1)</sup>;
- (c) a British protected person within the meaning of that Act;
- (d) a Scottish partnership;
- (e) a body incorporated under the law of any part of the United Kingdom or of the Territory;

“vessel” includes a hovercraft.

(2) For the purposes of this Act the Antarctic Convergence shall be taken to be a line running along parallels of latitude and meridians of longitude that joins the following points—

50° South latitude 0°;

50° South latitude 30° East longitude;

45° South latitude 30° East longitude;

45° South latitude 80° East longitude;

55° South latitude 80° East longitude;

55° South latitude 150° East longitude;

60° South latitude 150° East longitude;

60° South latitude 50° West longitude;

50° South latitude 50° West longitude; and

50° South latitude 0°.

(3) Except as otherwise provided, in the application of this Act to any of the territories to which it is extended the expression “the Territory” means that territory.

(4) The reference in sections 3(1), 4(1), 5(1), 6(1) and 11(1) to “a permit granted under this section” and the reference in sections 7(1), 8(1), 9(1) to “a permit granted under section 12” shall include a permit granted under the corresponding section of the Antarctic Act 1994 or of this Act as it applies in any other territory to which it has been extended.

## Supplementary

### Regulations

32. Regulations under this Act may make—

- (a) different provisions for different cases or circumstances, and
- (b) incidental and supplementary provision.

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(1) 1981 c. 61.

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