*This Statutory Instrument has been printed to correct errors in S.I. 2015/823 and is being issued free of charge to all known recipients of that Statutory Instrument.*

STATUTORY INSTRUMENTS

# 2017 No. 779

# ANTARCTICA

# The Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2017

| | |
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| *Made - - - -* | *19th July 2017* |
| *Laid before Parliament* | *26th July 2017* |
| *Coming into force* | |
| *(subject to the provisions of Article 1(2) and (3))* | *21st August 2017* |

At the Court at Buckingham Palace, the 19th day of July 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by the British Settlements Acts 1887 and 1945(**a**), section 34(2) and (3) of the Antarctic Act 1994(**b**), and section 18(2) of the Antarctic Act 2013(**c**), is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement, extent and interpretation**

**1.**—(1) This Order may be cited as the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2017 and, subject to paragraph (2), comes into force on 21st August 2017.

(2) Schedule 1 to this Order comes into force in respect of each territory to which the Order extends on such day as the Governor of the territory may by order, published in the official gazette of the territory, appoint.

(3) For the purposes of paragraph (2), the Governor may appoint different days for different provisions and different purposes.

(4) This Order extends to the territories listed in Schedule 2 to the principal Order as amended by this Order.

(**a**) 1887 50 & 51 Vict. c. 54 and 1945 9 & 10 Geo. 6 & 7.
(**b**) 1994 c. 15.
(**c**) 2013 c. 15.

(5) In this Order, "the principal Order" means the Antarctic Act 1994 (Overseas Territories) Order 1995(**a**).

**Amendments to the principal Order**

**2.**—(1) Schedule 1 to the principal Order is amended as set out in Schedule 1.

(2) Schedule 2 to the principal Order is amended as set out in Schedule 2.

*Richard Tilbrook*
Clerk of the Privy Council

(**a**) S.I. 1995/1030. Section 10 of Schedule 1 was amended by Section 2 of the Schedule to the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (S.I. 2015/823); section 11 of Schedule 1 was amended by section 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (S.I. 2015/823); section 12 of Schedule 1 was amended by section 3 of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (S.I. 2015/823).

# SCHEDULE 1

Article 1(2)

**Historic Sites and Monuments**

**1.** In section 10 (Historic Sites and Monuments), for subsections (3) and (4) substitute—

"(3) The Governor, with the consent of the Secretary of State, may on the application of any person grant to that person a permit authorising any United Kingdom national, or any non-national on a British expedition, who is specified or of a description specified in the permit, to do anything specified or of a description specified in the permit that would otherwise constitute a contravention of subsection (1).

(4) The Governor must not grant a permit under this section unless the Governor is satisfied that the activities authorised by the permit will be carried on only for the purposes of conservation or repair of–

(a) the Antarctic Historic Site or Monument to which the permit relates, or

(b) any object within it.".

**Protected places**

**2.** In section 11 (Places protected under the Convention), for subsection (4) substitute—

"(4) The Governor must not grant a permit under this section in respect of a non-national on a British expedition unless the Governor is satisfied that the activities authorised by the permit will be carried on only for the purposes of education or scientific research.".

**Grant of permits for activities prohibited by section 7, 8 and 9**

**3.** In section 12 (Grant of permits for activities prohibited by sections 7, 8 and 9), for subsection (2) substitute—

"(2) The Governor must not grant a permit under this section in respect of a non-national on a British expedition unless the Governor is satisfied that the activities authorised by the permit will be carried on only for the purposes of education or scientific research.".

**Penalties**

**4.** For section 20, substitute—

"**20.**—(1) Subject to subsection (2), any person who is guilty of an offence under this Part is liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both, and on summary conviction to a fine not exceeding £5,000 or its equivalent.

(2) In the Falkland Islands, South Georgia and the South Sandwich Islands, St Helena, Ascension and Tristan da Cunha any person who is guilty of an offence under this Part is liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both.".

# SCHEDULE 2

Article 2(2)

**1.** The term "St Helena and its Dependencies" is omitted.

**2.** In the appropriate places, insert "Ascension", "St Helena" and "Tristan da Cuhna".

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Antarctic Act 1994 (Overseas Territories) Order 1995 (S.I. 1995/1030), as amended by the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (S.I. 2015/823), ("the 1995 Order"). This Order clarifies the circumstances in which a Governor may grant a permit for a non-national on a British expedition to Antarctica to undertake acts that would otherwise be prohibited by sections 7(1), 8(1), 9(1) or 10(1) of the Schedule to the 1995 Order. The Order also clarifies the penalties that will apply to any person guilty of an offence under Part II of the 1995 Order.

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