EXPLANATORY MEMORANDUM TO

THE ANTARCTIC (AMENDMENT) REGULATIONS 2025

2025 No. 672

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Stephen Doughty MP, Minister of State at the Foreign, Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Jane Rumble OBE, SCS1 for the Polar Regions Department at the Foreign, Commonwealth and Development Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Natalie Allen at the Foreign, Commonwealth and Development Office, telephone: 07842 302947 or email: natalie.allen@fcdo.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations update, for the purpose of their protection under the Antarctic Act 1994, the internationally-recognised descriptions of the places that have been designated under the Antarctic Treaty System as Antarctic Specially Protected Areas (ASPAs) or Historic Sites and Monuments (HSMs). Specifically, they amend the Antarctic Regulations 1995 to reflect changes to the descriptions of 11 ASPAs; add coordinates and descriptions for seven newly designated ASPAs; revise descriptions of 13 HSMs; and add coordinates and a description of one newly designated HSM.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom. This instrument also applies to UK nationals and non-nationals on a British expedition while in Antarctica.

5. Policy Context

What is being done and why?

5.1 The United Kingdom is one of the 12 original signatories to the Antarctic Treaty[1]. The United Kingdom is also a State Party to the Protocol on Environmental Protection to the Antarctic Treaty[2] ("the Protocol"), which provides for the comprehensive protection of the Antarctic environment and entered into force in 1998.

5.2 Every year the original 12 Parties to the Treaty and those Parties that demonstrate their interest in Antarctica by conducting substantial research activity there – together called the Consultative Parties – meet at the Antarctic Treaty Consultative Meeting ("ATCM"). Measures, Decisions and Resolutions, which are adopted at the ATCM by consensus, give effect to the principles of the Antarctic Treaty and the Environment Protocol and provide regulations and guidelines for the management of the Antarctic Treaty area and the work of the ATCM. Measures are legally binding on the Consultative Parties once they have been approved by all Consultative Parties. Such measures include the designation or modification of ASPAs and HSMs provided for under Annex V of the Protocol.

5.3 The Protocol substantially strengthens conservation and environmental protection in Antarctica. Annex V to the Protocol, on area protection and management, extends protected area designations. ASPAs may be created to protect marine, terrestrial, aquatic and glacial ecosystems, areas of particular biological, scientific, historical, environmental, aesthetic and wilderness values, and areas that are the only known habitat of any species. Under the Protocol, entry into ASPAs requires prior authorisation and activities within them are subject to compliance with the associated management plan. Annex V also makes provision for HSMs, which are made subject to protection from being damaged, removed, or destroyed.

The United Kingdom supports the strengthening of measures to protect the Antarctic environment, including the designation of these new protected areas. The measures adopted by each ATCM are reflected in a Command Paper following that ATCM.

5.4 The Foreign, Commonwealth and Development Office is the UK competent authority responsible for granting authorisation to visit Antarctica, ensuring that the terms of the Protocol are complied with in connection with British expeditions to Antarctica.

What was the previous policy, how is this different?

5.5 This is a continuation of the existing policy. This instrument amends the Antarctic Regulations 1995 to reflect changes made and measures adopted at the four most recent ATCMs.

6. Legislative and Legal Context

How has the law changed?

6.1 The Antarctic Act 1994 implements the United Kingdom's international obligations under the Antarctic Treaty System, including obligations under the Protocol relating to ASPAs and HSMs. Entry to an ASPA is prohibited except in accordance with a permit. HSMs are subject to protection against damage, destruction or removal.

6.2 Section 9 of the Antarctic Act 1994 makes it an offence for any UK national, non-national on a British expedition ("British expedition" is defined in section 3(3) of the

[1] Treaty Series No. 97 (1961).
[2] Treaty Series No. 6 (1999); Treaty Series No. 15 (2006).

1994 Act), to enter an ASPA (referred to in the Act as an "area restricted under the Protocol"), except in accordance with a permit granted by the Secretary of State under section 12 of the Act. Section 10 of the Act makes it an offence to damage, destroy or remove any site or monument designated as a HSM except in accordance with a permit granted by the Secretary of State under that section.

6.3 Schedules 1 and 2 to the Antarctic Regulations 1995, as amended in 1998, 2000, 2002, 2003, 2004, 2008, 2009, 2017 and 2021[3], list the areas designated for the time being as ASPAs and HSMs. The boundaries of areas designated as ASPAs are defined in the 1995 Regulations by reference to maps reproduced in the Command Paper that records the relevant ATCM measure.

6.4 This instrument amends Schedules 1 and 2 to the Antarctic Regulations 1995 to reflect measures adopted at the Forty-third Antarctic Treaty Consultative Meeting, held at Paris in June 2021; the Forty-fourth Antarctic Treaty Consultative Meeting, held in Berlin in May-June 2022; the Forty-fifth Antarctic Treaty Consultative Meeting, held at Helsinki in May-June 2023; and the Forty-sixth Antarctic Treaty Consultative Meeting, held at Kochi in May 2024.[4] This includes changes to the descriptions of ASPA Numbers 103, 106, 116, 133, 137, 145, 151, 154, 156, 157 and 158; addition of coordinates and descriptions for newly designated ASPA Numbers 176, 177, 178, 179, 180, 181 and 182; revision of descriptions of HSM Numbers 24, 26, 29, 36, 38, 39, 40, 41, 42, 43, 63, 75 and 93, and addition coordinates and description of newly designated HSM Number 96.

Why was this approach taken to change the law?

6.5 This is the only possible approach under the Antarctic Act 1994 to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Informal consultation on proposed changes to the areas protected as ASPAs or HSMs is undertaken both prior to and during the relevant ATCM. The British Antarctic Survey is part of the UK delegation at every ATCM. At the ATCM, non-governmental organisations have the opportunity to debate proposed changes alongside the Antarctic Treaty Consultative Parties. These include environmental and scientific experts and representatives of tourist and other industry associations.

8. Applicable Guidance

8.1 Guidance for those wishing to visit Antarctica, and on how to apply for permits, is published by the FCDO on its website (www.gov.uk/guidance/visits-to-antarctica-how-to-apply-for-a-permit).

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because any impacts will be negligible and limited to only those very small number of businesses

[3] S.I. 1998/1007; S.I. 2000/2147; S.I. 2002/2054; S.I. 2003/323; S.I. 2004/2782; S.I. 2008/3066; S.I. 2009/2354; S.I. 2017/706; SI 2021/509.
[4] CP 726 (2022); CP 841 (2023); CP 1048 (2024); CP 1287 (2025).

with an interest in visiting the specific sites in Antarctica referenced in the Regulations. Expeditions to Antarctica must already obtain permits for their presence and planned activities; we expect that any additional requirements created by these Regulations would normally be met at the same time through the same processes.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument only applies to those very small number of businesses with an interest in visiting the specific sites in Antarctica referenced in the Regulations.

9.3 The legislation does impact small or micro businesses.

9.4 No specific action is proposed to minimise regulatory burdens on small businesses, because the modification of ASPAs, addition of new ASPAs, and addition of a new HSM, within the existing regulatory framework, will involve negligible additional costs or impacts.

9.5 There is no, or no significant, impact on the public sector because the instrument only applies to those very small number of businesses with an interest in visiting the specific sites in Antarctica referenced in the Regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that, as operator of the permit regime, the Polar Regions Department of the Foreign, Commonwealth and Development Office will monitor the legislation and any requirement to update the lists in Schedules 1 and 2 in light of measures adopted at future ATCMs.

10.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Stephen Doughty MP has made the following statement: the Minister considers a review provision would not be appropriate and would be disproportionate. A review would be disproportionate taking into account the very small number of businesses based in the UK engaging in Antarctic tourist activities. The instrument makes no change to the operation of the permitting regime itself but simply updates the list of places for which a permit to undertake activities will be required in accordance with the UK's international law obligations. The economic impact of the Regulations on these businesses will be negligible.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").