EXPLANATORY MEMORANDUM TO
THE ANTARCTIC (RECOGNISED ASSISTANCE DOG) REGULATIONS 2015

2015 No. 126

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. The regulations prescribe the persons who may train recognised assistance dogs to enable them to be kept on a vessel in Antarctica without a permit.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Context

4.1. The Antarctic Act 1994 makes it an offence for UK nationals and non-nationals on British expeditions to introduce into Antarctica any animals that are not indigenous to Antarctica, except in accordance with a permit issued by the Secretary of State.

4.2. The prohibition does not apply to the keeping on board a vessel in Antarctica of a recognised assistance dog trained by a person or class of persons prescribed by the Secretary of State.

4.3. These regulations prescribe the persons who may train "recognised assistance dogs" for the purpose of the Act.

5. Territorial Extent and Application

5.1. This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

7.1. The United Kingdom is a Party to the Antarctic Treaty, the international agreement for the governance of the continent of Antarctica. Specifically, the United Kingdom is also a State Party to the Environmental Protocol to the Antarctic Treaty ("the Environmental Protocol"), which provides for the comprehensive protection of the Antarctic environment and which entered into force in 1998.

7.2. The Antarctic Act 1994, as amended by the Antarctic Act 2013, implements the United Kingdom's obligations arising under the Environmental Protocol, including

the requirement to authorise and control activities of its nationals, vessels and aircraft operating in Antarctica.

7.3. Under that Act it is an offence for UK nationals and non-nationals on British expeditions to introduce into Antarctica any animals or species that are not indigenous to Antarctica. This is to protect the continent and its wildlife from the threat of non-native invasive species taking a hold there; a growing threat given the climatic changes being seen in Antarctica and steadily increasing scientific and tourism activities in Antarctica.

7.4. The offence does not apply to recognised assistance dogs trained by persons prescribed by the Secretary of State.

7.5. The regulations prescribe the list of persons recognised to train assistance dogs. The list of persons is based on that used by the 'The Airport Protocol for Entry of Assistance Dogs under the Pet Travel Scheme' that is operated by the Animal Health and Veterinary Laboratories Agency (AHVLA).

7.6. These regulations will have practical effect only in very rare circumstances. The Polar Regions Department of the Foreign and Commonwealth Office that operates the UK's Antarctic permitting system estimates less than one case per year.

8. Consultation outcome

8.1. No formal consultation was conducted given the very small impact of the regulations. However, informal advice was sought from DEFRA and Guide Dogs UK about accredited bodies that train assistance dogs.

9. Guidance

9.1. Guidance on visiting Antarctica and applying for permits is already published by the Foreign and Commonwealth Office on the government's website (https://www.gov.uk/visits-to-antarctica-how-to-apply-for-a-permit). This guidance will be amended to make reference to the definition of recognised assistance dog.

10. Impact

10.1. An impact assessment has not been prepared for this instrument as it imposes negligible costs on businesses, voluntary bodies or the public sector.

11. Regulating small business

11.1. The legislation applies to small business.

11.2. No specific action regarding small businesses has been taken given the negligible additional costs associated with this provision.

12. Monitoring & review

12.1. The objective is to provide legal clarity on which assistance dogs do not require a permit to be on board a vessel in Antarctica. As the operator of the permitting regime, the Polar Regions Department of the Foreign and Commonwealth Office will monitor the use of the provision.

13. Contact

Paul Stansfield at the Foreign and Commonwealth Office, tel: 020 7008 2750 or email: paul.stansfield@fco.gsi.gov.uk, can answer any queries regarding the instrument.