
STATUTORY INSTRUMENTS

1995 No. 490

The Antarctic Regulations 1995

PART 2

PERMITS

Revocation and suspension of permits

10.—(1) Subject to the provisions of this regulation, the Secretary of State may revoke or suspend wholly or in part any permit granted under the Act; and where a permit has been granted in respect of more than one specified person (or vessel or aircraft), or in respect of persons (or vessels or aircraft) of a description specified in the permit, the revocation or suspension may be limited to such persons (or such vessels or aircraft), or to persons (or vessels or aircraft) of such description, as may be specified by the Secretary of State in the notice of revocation or suspension.

(2) Save as provided in paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after giving 28 days notice to the permit-holder of his intention to do so and after due consideration of any representations made in writing by or on behalf of the permit-holder (or any person specified or of a description specified in the permit).

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so he may provisionally suspend a permit without complying with the requirements of paragraph (2), but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable, and shall then either—

- (a) revoke the provisional suspension of the permit; or
- (b) substitute therefor a definitive revocation or suspension which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any).

(4) The powers vested in the Secretary of State by paragraph (1) and paragraph (3) may be exercised by him if it appears to him that—

- (a) the permit was procured by fraud or misrepresentation;
- (b) the application for the permit contained a material error or omission;
- (c) the holder of the permit, or a person or persons specified in it, or of a description specified in it, are not fit and proper persons to carry out an activity authorised by the permit;
- (d) there has been a material change in the circumstances under which an activity authorised by the permit would be or is being carried out (including receipt by the Secretary of State of information as to the environmental impact of the activity which was not previously available) such that the continuation of the activity would have an unacceptable impact on the Antarctic environment;
- (e) the carrying out or continuation of an activity authorised by the permit would be undesirable because of an emergency which has arisen subsequent to the grant of the permit;

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- (f) the person to whom the permit was granted (or any person or persons specified in it or of a description specified in it) will not be able to comply with a material condition of the permit;
 - (g) there has been a breach of a condition of the permit;
 - (h) the holder of the permit has purported to transfer, or has given possession of, the permit (or a copy of it) to a person who is not entitled to hold it; or
 - (i) the permit (or a copy of it) has been altered or defaced.
- (5) The permit-holder or any person having possession or custody of any permit which has been revoked or suspended under this regulation shall surrender it and any copies of it to the Secretary of State within a reasonable time of being required by him to do so.
- (6) References in this regulation to the “permit-holder” are references to the person to whom any permit to which this Part applies has been granted.