

Shipping Notice 03/2010

NOTICE OF PERMIT REQUIREMENTS FOR VISITS TO ANTARCTIC WATERS

To: OWNERS, MANAGERS, CHARTERERS AND MASTERS OF ALL CAYMAN ISLANDS SHIPS (INCLUDING PRIVATE AND COMMERCIAL YACHTS)

1. BACKGROUND

1.1 Any visits to Antarctica, by all vessels of any size, must be undertaken in line with the Antarctic Treaty 1959 and its' Protocol on Environmental Protection 1991. These are implemented into UK Law by the Antarctic Act 1994 which was extended to the Cayman Islands by the Antarctic Act 1994 (Overseas Territories) Order, 1995¹.

1.2 A number of activities in Antarctica require a permit, which for Cayman Islands vessels must be issued by the Governor of the Cayman Islands. However, to obtain a permit you will need to apply via the UK's Foreign and Commonwealth Office (FCO) Polar Regions Unit, rather than the Maritime Authority of the Cayman Islands.

1.3 Please be aware that carrying out certain activities in Antarctica without first obtaining a permit when required by legislation, or in breach of a permit condition, is a criminal offence punishable by up to two years imprisonment and/or an unlimited fine.

1.4 The information that follows in this Shipping Notice is a summary of the process for applying for a permit to visit the Antarctic Treaty area much more information and contact details will be found by following this link: <http://www.fco.gov.uk/en/travel-and-living-abroad/your-trip/antarctica-visitors/permits-for-expeditions/>

2. APPLICATION

2.1 Permits

2.1.1 Permits are required under the Antarctic Act for:

- any person on a British expedition to Antarctica²;
- Cayman Islands vessels and aircraft going to Antarctica;
- the taking of, or harmful interference with, fauna or flora;
- the introduction of non-native animals or plants; and
- entry into areas protected under the Protocol (Antarctic Specially Protected Areas) or under the Convention on the Conservation of Antarctic Marine Living Resources.

2.1.2 Waste disposal and prohibitions regarding marine pollution

- Provisions governing waste disposal and removal of waste from Antarctica will be contained in conditions attached to permits;
- Prohibitions on marine pollution in Antarctic waters are already contained in existing Cayman Islands Merchant Shipping and Marine Pollution Law and are not dealt with by the Antarctic Act or Regulations.

¹ This Act requires Cayman Islands vessels entering Antarctica (which includes all sea, land and ice shelves south of 60 degrees South latitude) to have a permit from the Governor or written authorisation from another Contracting Party to the Environmental Protocol to the Antarctic Treaty

² A 'British expedition' encompasses all expeditions, which are organised in, or where the last place of departure for Antarctica is from, the United Kingdom or other British territory (including the Cayman Islands). A British expedition need not necessarily be composed of British nationals, and a single person can constitute an expedition.

2.1.3 Applying for a Permit

Applications for permits should be submitted to the FCO's Polar Regions Unit as far in advance as possible, and not less than 6 months before the intended date of travel to Antarctica. As part of this process sufficient preparation for a visit to Antarctica will need to be demonstrated – please see the contingency plans and insurance section for more information.

2.1.3 Permits are not required for:

- ships or aircraft travelling to an immediate destination outside Antarctica;
- fishing vessels, unless they are carrying out functions related to an expedition; and
- expeditions organised in and authorised in writing by another contracting party (country) to the Environmental Protocol to the Antarctic Treaty³.

2.2 Environmental Impact Assessment (EIA)

- a) All permit applications must be accompanied by a completed Preliminary EIA: <http://www.fco.gov.uk/resources/en/word/p-e-q-f> (word.doc). This is a preliminary assessment to determine the severity of impact of an activity on the Antarctic environment. Activities that would probably require an EIA include:
 - construction of, or modifications to, British research stations in Antarctica; and
 - expeditions to Antarctica which involve an activity that may have a greater than minor or transitory impact.
- b) Following the assessment of the EIA it may be necessary to complete a more comprehensive and detailed Environmental Impact Assessment for which the FCO will provide advice.
- c) The FCO Polar Regions team would be happy to discuss any plans informally prior to the preparation of an Environmental Impact Assessment.

2.3 Contingency plans and insurance

- a) An application for a permit to visit Antarctica must be able to demonstrate the following:
 - appropriate contingency plans and sufficient arrangements for health and safety - a risk assessment to determine risk levels and to assess the adequacy of controls should be prepared;
 - appropriate contingency plans and sufficient arrangements for search and rescue (SAR); full details of the SAR plan must be included as part of the permit application. This must include plans for evacuation out of Antarctica;
 - appropriate contingency plans and sufficient arrangements for medical care and evacuation based on a risk assessment of possible scenarios; contingency plans should be drawn up for responding to risks such as planning for all adverse weather conditions; arrangements for loss of radio and other communications and up to full evacuation plans from Antarctica;
 - adequate insurance or other arrangements to cover any costs associated with SAR and medical care and evacuation; insurance must explicitly cover all of the proposed activities to be undertaken in Antarctica and be sufficient to fund any potential medical evacuation from Antarctica.
- b) Each contingency plan should each specify a nominated individual in the expedition who is responsible for it.
- c) Original copies of any contracts and/or insurance policies, together with any other appropriate supporting documentation must be attached as part of any permit application(s).
- d) In respect of vessel or yacht-based activities, applicants should be aware that reliance on other passing traffic will not be deemed to be sufficient arrangements for search and rescue.

³ Please see attached for details on which countries have ratified the Environmental Protocol: http://www.ats.ag/devAS/ats_parties.aspx?lang=e

2.4 Experience of personnel and equipment

It will be necessary demonstrate the following, especially if organising or conducting activities without the supervision or support in the field of another operator or a national programme:

- participants must have sufficient and demonstrable experience appropriate for the proposed activity operating in polar, or equivalent, environments; such experience may include survival training in cold or remote areas, flying, sailing or operating other vehicles in conditions and over distances similar to those being proposed;
- all equipment, including clothing, communication, navigational, emergency and logistic equipment is in sound working order, with sufficient backup spares and suitable for effective operation under Antarctic conditions;
- all participants are proficient in the use of such equipment;
- all participants are medically, physically and psychologically fit to undertake the activity in Antarctica;
- adequate first-aid equipment is available during the activity and that at least one participant is proficient in advanced first aid.

2.5 Antarctic Yachting Guidelines

Please see the Antarctic Yachting Guidelines (<http://www.fco.gov.uk/resources/en/pdf/3849543/antarctica-yachting-guidelines> PDF, 948kb) which have been produced by the FCO and High Latitudes Ltd to aid private yachts planning on visiting Antarctica to review the considerations they should take into account. It is strongly advised that these attached guidelines are carefully considered before submitting an application for a permit to the FCO's Polar Regions Team.