



Jersey

**DEEP SEA MINING (TEMPORARY
PROVISIONS) ACT 1981 (JERSEY)
ORDER 1997**

Unofficial extended UK law

17.175

Showing the law as at 1 January 2019

APPENDIX

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 1997*



Jersey

DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 (JERSEY) ORDER 1997

Jersey Order in Council 6/1998

**THE DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 (JERSEY)
ORDER 1997**

(Registered on the 23rd day of January 1998)

At the Court at Buckingham Palace

17th day of December 1997

PRESENT

The Queen's Most Excellent Majesty in Council

HER MAJESTY, in exercise of the powers conferred upon Her by sections 1(5) and 18(6) of the Deep Sea Mining (Temporary Provisions) Act 1981, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

Citation and commencement

1. This Order may be cited as the Deep Sea Mining (Temporary Provisions) Act 1981 (Jersey) Order 1997 and shall come into force on 19th January 1998.

Interpretation

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 199*

2. In this Order –

“Jersey” means the Bailiwick of Jersey;

“the Act” means the Deep Sea Mining (Temporary Provisions) Act 1981.

Application of section 1

3. The application of section 1 of the Act shall extend to bodies incorporated under the law of Jersey.

Extension of provisions of the Act to Jersey

4. Sections 1, 14, 17 and 18(1) of the Act shall extend to Jersey with the modifications specified in the Schedule hereto.

N. H. NICHOLLS

Clerk of the Privy Council.

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 199*

SCHEDULE

(Article 4)

MODIFICATIONS TO PROVISIONS OF THE DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981 IN THEIR EXTENSION TO JERSEY

1. In section 1 –

- (a) in subsection (3), for the words from “liable” onwards substitute “liable to a fine”;
- (b) for subsection (4) substitute –
 - “(4) This section applies to any person who –
 - (a) is a United Kingdom national or a body incorporated under the law of Jersey; and
 - (b) is resident in Jersey.”;
- (c) omit subsection (5).

2. In section 14 –

- (a) in subsection (1), omit “or under regulations made under this Act”; and for “the United Kingdom” substitute “Jersey”;
- (b) omit subsections (2) and (3);
- (c) in subsection (5), omit “or of regulations made under this Act”.

3. In section 17 –

- (a) omit the definitions of “ancillary operations”, “inspector”, “licensed area”, “licensed operations”, “licensee”, “prescribed”, “reciprocal authorisation”, “reciprocating country” and “ship”;
- (b) for the definition of “exploitation licence” substitute –
 - “ ‘exploitation licence’ means a licence authorising the licensee to exploit the hard mineral resources of such part of the deep sea bed as may be specified in the licence”;
- (c) for the definition of “exploration licence” substitute –
 - “ ‘exploration licence’ means a licence authorising the licensee to explore for the hard mineral resources of such part of the deep sea bed as may be specified in the licence”.

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 199*

DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981

1981 CHAPTER 53

ARRANGEMENT OF SECTIONS

Section

- 1 Prohibition of unlicensed deep sea mining
- 2 * * * * *
- 3 * * * * *
- 4 * * * * *
- 5 * * * * *
- 6 * * * * *
- 7 * * * * *
- 8 * * * * *
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- 11 * * * * *
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- 14 Supplementary provisions relating to offences
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- 17 Interpretation
- 18 Short title, etc.

SCHEDULE * * * * *

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 199*

ELIZABETH II



THE DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981

1981 CHAPTER 53

AN ACT to make provision with respect to deep sea mining operations; and for purposes connected therewith.

[28th July 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows² –

Prohibition of unlicensed deep sea mining

1.-(1) Subject to the following provisions of this Act, a person to whom this section applies shall not explore for the hard mineral resources of any part of the deep sea bed unless he holds an exploration licence granted under section 2 below in respect of that part of the deep sea bed or is the agent or employee of the holder of that licence (acting in his capacity as such).

(2) Subject to the following provisions of this Act, a person to whom this section applies shall not exploit the hard mineral resources of any part of the deep sea bed unless he holds an exploitation licence granted under section 2 below in respect of that part of the deep sea bed or is the agent or employee of the holder of that licence (acting in his capacity as such).

(3) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence and [liable to a fine].

[(4) This section applies to any person who –

(a) is a United Kingdom national or a body incorporated under the law of Jersey; and

(b) is resident in Jersey.]

(5) * * * * *

(6) In this Act –

² Deletions and words in square brackets indicate adaptations and modifications made by the Deep Sea Mining (Temporary Provisions) Act 1981 (Jersey) Order 1997.

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
1981 (Jersey) Order 199*

“deep sea bed” means that part of the bed of the high seas in respect of which sovereign rights in relation to the natural resources of the sea bed are neither exercisable by the United Kingdom nor recognised by Her Majesty’s Government in the United Kingdom as being exercisable by another Sovereign Power or, in a case where disputed claims are made by more than one Sovereign Power, by one or other of those Sovereign Powers;

“hard mineral resources” means deposits of nodules containing (in quantities greater than trace) at least one of the following elements, that is to say, manganese, nickel, cobalt, copper, phosphorus and molbydenum;

“United Kingdom national” means –

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).

(7) In any proceedings, a certificate issued by the Secretary of State certifying that sovereign rights are not exercisable in relation to any part of the sea bed by the United Kingdom or by any other Sovereign Power shall be conclusive as to that fact; and any document purporting to be such a certificate shall be received in evidence and shall, unless the contrary is proved, be deemed to be such a certificate.

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Supplementary provisions relating to offences

14.-(1) Proceedings for an offence under this Act * * * may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in [Jersey].

(2) * * * * *

(3) * * * * *

(4) Where an offence has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection “director”, in relation to a body corporate which –

(a) is established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking; and

(b) is a body whose affairs are managed by its members,

means a member of the body corporate.

(5) In any proceedings for an offence of failing to comply with any provision of this Act * * *, it shall be a defence to prove that the accused used all due diligence to comply with that provision.

15. * * * * *

16. * * * * *

Interpretation

17. In this Act –

* * *

“deep sea bed” has the meaning given by section 1 above;

“deep sea bed mining operations” means any exploration or exploitation of the hard mineral resources of the deep sea bed;

“exploitation” means commercial exploitation;

[“exploitation licence” means a licence authorising the licensee to exploit the hard mineral resources of such part of the deep sea bed as may be specified in the licence;]

*Jersey Order in Council 6/1998 The Deep Sea Mining (Temporary Provisions) Act
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“exploration”, in relation to the hard mineral resources of any part of the deep sea bed, means the investigation of that part of the deep sea bed for the purpose of ascertaining whether or not the hard mineral resources of that part of the deep sea bed can be commercially exploited;

[“exploration licence” means a licence authorising the licensee to explore for the hard mineral resources of such part of the deep sea bed as may be specified in the licence;]

“hard mineral resources” has the meaning given by section 1 above;

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Short title, etc

18.-(1) This Act may be cited as the Deep Sea Mining (Temporary Provisions) Act 1981.

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(4) * * * * *

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(7) * * * * *

SCHEDULE

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