

Deep Sea Mining Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Foreign and Commonwealth Office with the consent of Sheryll Murray, the Member in charge of the Bill, are published separately as Bill 14-EN.

Deep Sea Mining Bill

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TO

Make provision about deep sea mining; and for connected purposes.

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 follows:—

1 Amendments of Deep Sea Mining (Temporary Provisions) Act 1981

- (1) The Deep Sea Mining (Temporary Provisions) Act 1981 has effect subject to the amendments in the Schedule (which include amendments giving effect to obligations of the United Kingdom under Part XI of the United Nations Convention on the Law of the Sea). 5
- (2) The Deep Sea Mining (Temporary Provisions) Act 1981 may be cited as the Deep Sea Mining Act 1981.

2 Extent, commencement and short title

- (1) This Act extends to England and Wales and Northern Ireland.
- (2) Section 18(6) of the Deep Sea Mining (Temporary Provisions) Act 1981 (power to extend provisions of that Act to the Channel Islands, the Isle of Man or any British overseas territory) applies to the provisions of this Act amending that Act. 10
- (3) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed. 15
- (4) This Act may be cited as the Deep Sea Mining Act 2013.

SCHEDULE

Section 1

AMENDMENTS OF DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981

- 1 The Deep Sea Mining (Temporary Provisions) Act 1981 is amended as follows.
- 2 (1) Section 1 (prohibition of unlicensed deep sea mining) is amended as follows. 5
- (2) For subsections (1) and (2) substitute –
- “(1) A person to whom this section applies (“P”) may not explore for mineral resources of any description in any area of the deep sea bed unless –
- (a) P holds an exploration licence (see section 2) which is in force or is the agent or employee of the holder of such a licence (acting in that capacity), and 10
- (b) the licence relates to mineral resources of that description and to that area of the deep sea bed.
- (2) A person to whom this section applies (“P”) may not exploit mineral resources of any description in any area of the deep sea bed unless – 15
- (a) P holds an exploitation licence (see section 2) which is in force or is the agent or employee of the holder of such a licence (acting in that capacity), and
- (b) the licence relates to mineral resources of that description and to that area of the deep sea bed. 20
- (2A) Subsections (1) and (2) are subject to section 3B.”
- (3) In subsection (6) for the definitions of “deep sea bed” and “hard mineral resources” substitute –
- ““deep sea bed” means the area of the sea bed situated beyond the limits of national jurisdiction of the United Kingdom or any other State; 25
- “mineral resource” means a solid, liquid or gaseous mineral resource;”.
- (4) In subsection (7) for the words from “sovereign rights” to “other Sovereign Power” substitute “an area of the sea bed is beyond the limits of national jurisdiction of the United Kingdom or any other State”. 30
- 3 (1) Section 2 (exploration and exploitation licences) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) In this Act – 35
- “the Authority” means the International Seabed Authority;
- “corresponding contract” means –
- (a) in relation to an exploration licence, a contract which is granted by the Authority to the licensee and

- authorises exploration for the licensed mineral resource in the licensed area, and
- (b) in relation to an exploitation licence, a contract which is granted by the Authority to the licensee and authorises the exploitation of the licensed mineral resource in the licensed area; 5
- “exploration licence” means a licence under this section authorising the licensee to explore for mineral resources of a description specified in the licence in an area so specified;
- “exploitation licence” means a licence under this section authorising the licensee to exploit mineral resources of a description specified in the licence in an area so specified; 10
- “granted by the Authority”, in relation to a contract, means granted by the Authority in accordance with Article 153 of the Convention; 15
- “plan of work” means a programme of activities and expenditure.”
- (3) In subsection (2) omit –
- (a) the words “subsection (4) and”, and
- (b) the words from “; and in determining” onwards. 20
- (4) For subsection (3) substitute –
- “(3) An exploration or exploitation licence –
- (a) may be granted for such period as the Secretary of State thinks fit, and
- (b) must not come into force before the date on which a corresponding contract comes into force. 25
- (3A) An exploration or exploitation licence may contain such terms and conditions as the Secretary of State thinks fit including, in particular, terms and conditions –
- (a) relating to the safety, health or welfare of persons employed in the licensed operations or in the ancillary operations; 30
- (b) relating to the processing or other treatment of any mineral resources extracted in pursuance of the licence which is carried out by or on behalf of the licensee on any ship;
- (c) relating to the disposal of any waste material resulting from such processing or other treatment; 35
- (d) requiring plans, returns, accounts or other records with respect to any matter connected with the licensed mineral resource and the licensed area or licensed operations or ancillary operations, to be provided to the Secretary of State; 40
- (e) requiring samples of the licensed mineral resource discovered in or extracted from the licensed area, or assays of such samples, to be provided to the Secretary of State;
- (f) requiring any exploration for or exploitation of the licensed mineral resource in the licensed area to be diligently carried out; 45
- (g) requiring the licensee to comply with such provisions of the Convention and the Agreement, interpreted in accordance with Article 2 of the Agreement, as are applicable to contractors; 50

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- (h) requiring compliance with any other rules, regulations and procedures issued or adopted by the Authority, as are applicable to contractors;
 - (i) requiring compliance with a corresponding contract;
 - (j) requiring compliance with any plan of work authorised by a corresponding contract; 5
 - (k) *requiring payment to the Secretary of State of such sums as may with the consent of the Treasury be prescribed at such times as may be prescribed; and*
 - (l) permitting the transfer of the licence in prescribed cases or with the written consent of the Secretary of State.” 10
- (5) Omit subsection (4).
- (6) For subsection (5) substitute –
- “(5) Where the Secretary of State has granted an exploration licence, the Secretary of State may not grant an exploitation licence which relates to any part of the licensed area in relation to the exploration licence and to any of the mineral resources to which that licence relates unless the exploitation licence is granted – 15
 - (a) to the holder of the exploration licence, or
 - (b) with that person’s written consent.” 20
- 4 For section 3 substitute –
- “3A Contracts granted by the Authority**
- (1) The Secretary of State may not grant an exploration or exploitation licence which relates to –
 - (a) any area of the deep sea bed in respect of which a contract granted by the Authority is in force, and 25
 - (b) any description of mineral resources to which the contract relates.
 - (2) Subsection (1) does not apply where the contract is a corresponding contract in relation to a licence previously granted by the Secretary of State. 30
 - (3) For the purposes of any proceedings a contract granted by the Authority may be proved by the production of a copy of the contract certified to be a true copy by an official of the Authority; and any document purporting to be such a copy is to be received in evidence and is to be deemed to be such a contract unless the contrary is proved. 35
- 3B Exemptions from prohibition in section 1**
- (1) A person to whom section 1 applies (“P”) is not prohibited by that section from prospecting for mineral resources in any area of the deep sea bed if P does so in accordance with the terms of a notification of prospecting –
 - (a) given by P to the Authority under the Convention, and
 - (b) recorded by the Authority as complying with the requirements of the Convention. 45

- (2) Where a person to whom section 1 applies holds a contract for exploration granted by the Authority or is the agent or employee of the holder of such a contract (acting in that capacity), that person is not prohibited by that section from exploring for any of the description of mineral resources to which the contract relates in any area of the deep sea bed in respect of which the contract is in force. 5
- (3) Where a person to whom section 1 applies holds a contract for exploitation granted by the Authority or is the agent or employee of the holder of such a contract (acting in that capacity), that person is not prohibited by that section from exploiting any of the description of mineral resources to which the contract relates in any area of the deep sea bed in respect of which the contract is in force.” 10
- 5 In section 4 (prevention of interference with licensed operations), in subsection (1), for the words from “pursuance” onwards substitute “pursuance of – 15
- (a) a contract granted by the Authority; or
- (b) an exploration or exploitation licence.”
- 6 In section 5 (protection of the marine environment), in subsection (2) for “section 2(3)” substitute “section 2(3A)”.
- 7 In section 8 (foreign discriminatory action) in subsection (2) for “section 2(3)” substitute “section 2(3A)”. 20
- 8 After section 8 insert –

“8A Enforcement of decisions of the Seabed Disputes Chamber

- (1) A decision of the Seabed Disputes Chamber of the Tribunal in relation to a dispute of a type described in Article 187(c), (d) or (e) of the Convention may be registered in the High Court in such manner as may be prescribed by rules of court. 25
- (2) Where a decision is registered under this section, it is to be treated for the following purposes as if it had been originally given by the High Court and had (where relevant) been entered – 30
- (a) its force and effect for the purposes of enforcement;
- (b) the powers of the appropriate court in relation to its enforcement;
- (c) the taking of proceedings for or with respect to its enforcement. 35
- (3) Where a decision registered under this section provides for payment of a sum of money, the debt resulting from the registration is to carry interest as if the decision were a judgment of the High Court and the debt had become due on the date of registration.
- (4) Where a decision is registered under this section, the reasonable costs and expenses of and incidental to its registration are to be recoverable as if they were sums recoverable under the decision. 40
- (5) Costs or expenses recoverable by virtue of subsection (4) are to carry interest as if they were the subject of an order for costs and expenses made by the High Court on the date of registration. 45

- (6) Subsection (2) is subject to any provision made by rules of court as to the manner in which and conditions subject to which a decision registered under this section may be enforced.

8B Proof and admissibility of decisions of the Seabed Disputes Chamber

- (1) For the purposes of section 8A a document, duly authenticated, which purports to be a copy of a decision given by the Seabed Disputes Chamber of the Tribunal is without further proof to be taken to be a true copy, unless the contrary is shown 5
- (2) A document purporting to be a copy of a decision given by the Seabed Disputes Chamber of the Tribunal is duly authenticated for the purposes of this section if it purports – 10
- (a) to bear the seal of the Tribunal, or
- (b) to be certified by any person in the person’s capacity as a judge of the Tribunal, the Registrar of the Tribunal or a member of the staff of the Registrar to be a true copy of a decision given by the Tribunal. 15
- (3) Nothing in this section prejudices the admission in evidence of any document which is admissible apart from this section.

8C Recognition and enforcement of arbitration awards

An award made in pursuance of Article 188(2)(a) of the Convention (disputes concerning interpretation or application of contracts) is to be treated for the purposes of Part 3 of the Arbitration Act 1996 (recognition and enforcement of certain foreign awards) as a New York Convention award, whether or not it would be so treated apart from this section.” 20
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9 Omit section 9 (the deep sea mining levy) and section 10 (the Deep Sea Mining Fund).

10 In section 13 (disclosure of information) for paragraph (e) substitute –
“(e) to the Authority.”

11 For sections 16 and 17 substitute – 30

“16 Exclusion of certain legislation

Nothing in Part 4 of the Marine and Coastal Access Act 2009 (marine licensing) applies to anything done in pursuance of an exploration or exploitation licence or a contract granted by the Authority.

17 Interpretation 35

In this Act –

“the Agreement” means the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of December 1982;

“ancillary operations”, in relation to any licensed operations, means any activity carried on by or on behalf of the licensee which is ancillary to the licensed operations (including the processing and transportation of any substances recovered); 40

“the Authority” has the meaning given by section 2;

- “the Convention” means the United Nations Convention on the Law of the Sea;
- “corresponding contract” has the meaning given by section 2;
- “deep sea bed” has the meaning given by section 1;
- “deep sea bed mining operations” means any exploration or exploitation of the mineral resources of the deep sea bed; 5
- “exploitation” means commercial exploitation;
- “exploitation licence” has the meaning given by section 2;
- “exploration”, in relation to the mineral resources of any area of the deep sea bed, means the investigation of that area of the deep sea bed for the purpose of ascertaining whether or not the mineral resources of that area of the deep sea bed can be commercially exploited; 10
- “exploration licence” has the meaning given by section 2;
- “granted by the Authority”, in relation to a contract, has the meaning given by section 2; 15
- “inspector” means a person appointed as inspector under section 11;
- “licensed area” in relation to a licence, means the area of the deep sea bed specified in the licence; 20
- “licensed mineral resource” in relation to a licence, means the description of mineral resource specified in the licence;
- “licensed operations” means any activities which the licensee may carry on by virtue of their licence;
- “licensee” means the holder of an exploration or exploitation licence; 25
- “mineral resource” has the meaning given by section 1;
- “plan of work” has the meaning given by section 2;
- “prescribed” (except where used in relation to rules of court) means prescribed by regulations under section 12; 30
- “prospecting” in relation to the mineral resources of any area of the deep sea bed, means searching for mineral resources in that area of the deep sea bed and may include estimating the composition, size, distribution and economic values of such mineral resources; 35
- “ship” includes every description of vessel used in navigation;
- “the Tribunal” means the International Tribunal for the Law of the Sea.”
- 12 (1) Section 18 (short title etc.) is amended as follows.
- (2) In subsection (1) omit “(Temporary Provisions)”. 40
- (3) Omit subsections (3) to (5).

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B I L L

To make provision about deep sea mining; and for connected purposes.

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supported by
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*Ordered, by The House of Commons,
to be Printed, 19 June 2013.*

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx