



# Deep Sea Mining Act 2014

## 2014 CHAPTER 15

An Act to make provision about deep sea mining; and for connected purposes. [14th May 2014]

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).
- (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, Scotland 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.
- (3) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed.
- (4) This Act may be cited as the Deep Sea Mining Act 2014.

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*Changes to legislation: There are currently no known outstanding effects  
for the Deep Sea Mining Act 2014. (See end of Document for details)*

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## 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.
  - (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
      - (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—
      - (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.
  - (2A) Subsections (1) and (2) are subject to section 3A.”
- (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;

“mineral resource” means a solid, liquid or gaseous mineral resource;”.
- (4) In subsection (7) for the words from “certifying” to “Power” substitute “ or the Scottish Ministers certifying that an area of the sea bed is beyond the limits of national jurisdiction of the United Kingdom or any other State ”.
- 3       (1) Section 2 (exploration and exploitation licences) is amended as follows.
  - (2) For subsection (1) substitute—
    - “(1) In this Act—
 

“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;

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“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;

“granted by the Authority”, in relation to a contract, means granted by the Authority in accordance with Article 153 of the Convention;

“plan of work” means a programme of activities and expenditure.”

(3) In subsection (2)—

- (a) omit “subsection (4) and”, and
- (b) for the words from “the Secretary of State” to the end substitute “—
  - (a) the Secretary of State may on payment of such fee as may with the consent of the Treasury be prescribed grant to such persons as the Secretary of State thinks fit exploration or exploitation licences, except where the Scottish Ministers have power to grant the exploration or exploitation licence in question;
  - (b) the Scottish Ministers may on payment of such fee as may be prescribed grant to such persons as they think fit exploration or exploitation licences.”.

(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 or, as the case may be, the Scottish Ministers think fit, and
- (b) must not come into force before the date on which a corresponding contract comes into force.

(3A) An exploration or exploitation licence may contain such terms and conditions as the Secretary of State thinks fit or, as the case may be, the Scottish Ministers think 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;
- (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;
- (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 or, as the case may be, the Scottish Ministers;
- (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 or, as the case may be, the Scottish Ministers;

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- (f) requiring any exploration for or exploitation of the licensed mineral resource in the licensed area to be diligently carried out;
- (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;
- (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;
- (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;
- (l) requiring payment to the Scottish Ministers of such sums as may be prescribed at such times as may be prescribed; and
- (m) permitting the transfer of the licence in prescribed cases or with the written consent of the Secretary of State or, as the case may be, the Scottish Ministers.”

(5) Omit subsection (4).

(6) For subsection (5) substitute—

“(5) Where the Secretary of State has, or the Scottish Ministers have, granted an exploration licence, neither the Secretary of State nor the Scottish Ministers may 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—

- (a) to the holder of the exploration licence, or
- (b) with that person's written consent.”

4

For section 3 substitute—

### **“3 Contracts granted by the Authority**

#### **“3 “3 Contracts granted by the Authority**

- (1) Neither the Secretary of State nor the Scottish Ministers may 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
  - (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 or the Scottish Ministers.
- (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.

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### **3A Exemptions from prohibition in section 1**

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- (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.
- (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.
- (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.”

5 In section 4 (prevention of interference with licensed operations), in subsection (1), for the words from “pursuance” onwards substitute “pursuance of—

- (a) a contract granted by the Authority; or
- (b) an exploration or exploitation licence.”

6 In section 5 (protection of the marine environment)—

- (a) in subsection (1)—
  - (i) after “State”, in the first place, insert “ or, as the case may be, the Scottish Ministers ”,
  - (ii) after “State”, in the second place, insert “ or the Scottish Ministers ”, and
  - (iii) after “him” insert “ (or them) ”, and
- (b) in subsection (2)—
  - (i) for “section 2(3)” substitute “ section 2(3A) ”,
  - (ii) after “State” insert “ or the Scottish Ministers ”, and
  - (iii) after “considers” insert “ (or they consider) ”.

7 In section 6 (variation or revocation of licences), after subsection (2) insert—

“(3) This section applies in relation to an exploration or exploitation licence granted by the Scottish Ministers as if references to the Secretary of State were references to the Scottish Ministers.”

8 In section 8 (foreign discriminatory action)—

- (a) in subsection (1), after “State” insert “ or, as the case may be, the Scottish Ministers ”,
- (b) in subsection (2)—