

# Continental Shelf Act, 1968.

- LONG TITLE

An Act to make provision in relation to the exploration and exploitation of the continental shelf and to provide for matters connected with the matters aforesaid. [11th June, 1968.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act— "designated area" means an area standing designated for the time being by order under section 2 of this Act. "the Minister" means the Minister for Industry and Commerce.

Exploration and exploitation of continental shelf.

2.—(1) Any rights of the State outside territorial waters over the sea bed and subsoil for the purpose of exploring such sea bed and subsoil and exploiting their natural resources are, subject to subsection (2) of this section, hereby vested in the Minister and shall be exercisable by the Minister. (2) Whenever the Government so think fit and so direct, any rights referred to in subsection (1) of this section and specified in the direction shall be vested in and exercisable by a Minister of State specified in the direction other than the Minister. (3) The Government may by order designate any area as an area within which the rights referred to in subsection (1) of this section are exercisable. (4) The Government may by order revoke or amend an order under this section, including an order under this subsection.

Application of certain laws of the State.

3.—(1) ( a ) Any act or omission which— (i) takes place on an installation in a designated area or any waters within five hundred metres of such an installation, and (ii) would, if taking place in the State, constitute an offence under the law of the State, shall be deemed, for all purposes relating to the offence, to take place in the State. ( b ) Any act or omission which— (i) takes place on any waters in a designated area (not being waters within five hundred metres of an installation), or under or above any waters or installation in a designated area, in connection with the exploration of the sea bed or subsoil or the exploitation of their natural resources, and (ii) would, if taking place in the State, constitute an offence under the law of the State, shall be deemed, for all purposes relating to the offence, to take place in the State. (2) ( a ) Any act or omission which— (i) takes place on an installation or any waters within five hundred metres of such installation, in a designated area, and (ii) would, if taking place in the State, constitute a wrong, shall be deemed for all purposes relating to the wrong, to take place in the State. ( b ) Any act or omission which— (i) takes place on any waters in a designated area (not being waters within five hundred metres of an installation), or under or above any waters or installation in a designated area, in connection with the exploration of the sea bed or subsoil or the exploitation of their natural resources, and (ii) would, if taking place in the State, constitute a wrong, shall be deemed, for all purposes relating to the wrong, to take place in the State. ( c ) In this subsection "wrong" has the meaning assigned to it by the Civil Liability Act, 1961. (3) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

Application of Minerals Development Acts, 1940 and 1960, and Petroleum and Other Minerals Development Act, 1960.

4.—(1) The Minerals Development Acts, 1940 and 1960 shall apply in relation to minerals (within the meaning of those Acts) with respect to which the rights referred to in section 2 of this Act are exercisable as they apply in relation to those minerals in the State. (2) The Petroleum and Other Minerals

Development Act, 1960, shall apply in relation to petroleum (within the meaning of that Act) with respect to which the rights referred to in the said section 2 are exercisable as it applies in relation to petroleum in the State.

#### Safety of navigation.

5.—(1) A person shall not construct, alter or improve any structure or works in or remove any object or material from a designated area without the consent of the Minister for Transport and Power. (2) The Minister for Transport and Power may, as a condition of considering an application for consent under this section, require to be furnished with such plans and particulars as he may consider necessary and, on receipt of any such application, he may cause notice of the application, and of the time within which and the manner in which objections thereto may be made, to be published in such manner as he may consider appropriate for informing persons affected thereby, and, before granting his consent, may, if he thinks fit, appoint a person to hold an inquiry, and notice of the holding of the inquiry shall be given in accordance with the provisions of this Act. (3) If the Minister for Transport and Power is of opinion that the action in respect of which his consent was sought would cause an obstruction or danger to navigation, he shall either refuse his consent thereto or grant his consent subject to such conditions as he may think proper. (4) All expenses incurred by the Minister for Transport and Power in holding an inquiry under this section shall, unless that Minister with the sanction of the Minister for Finance otherwise directs (in which case they shall to the extent of the direction, be defrayed out of moneys provided by the Oireachtas), be paid by the person who applied for the consent to which the inquiry related, and the amount of the expenses shall be fixed by the Minister for Finance and shall be recoverable by the Minister for Transport and Power from the person as a simple contract debt in any court of competent jurisdiction. (5) The person holding an inquiry under this section may, if he so thinks proper, order the costs and expenses incurred by any person in relation to the inquiry to be paid by any other person who appeared or was represented at the inquiry and, if the person who incurred, or the person who is liable to pay, the costs so requires, the costs and expenses shall be taxed and ascertained by a taxing-master of the High Court and the amount of such costs and expenses when so taxed and ascertained shall be recoverable as a simple contract debt in any court of competent jurisdiction. (6) Where a person erects a structure, or removes an object or materials, without the consent of the Minister for Transport and Power or fails to comply with a condition subject to which the consent of that Minister was given under this section and the erection, removal or failure constitutes, in the opinion of that Minister, an obstruction or danger to navigation, that Minister may serve a notice on the person requiring him, within such period (not being less than thirty days) as may be specified in the notice, to remove the structure or to carry out such other directions of that Minister as that Minister may think necessary, or, if it appears to that Minister urgently necessary so to do, may himself remove the structure or carry out the directions. (7) If within the period specified in a notice under subsection (6) of this section, the person upon whom the notice is served fails to comply with the terms thereof, the Minister for Transport and Power may himself remove the structure to which the notice refers or carry out the directions contained in the notice, as the case may be. (8) Where under subsection (6) or (7) of this section the Minister for Transport and Power removes any structure referred to in a notice under the said subsection (6) or carries out any direction contained in such a notice, that Minister may recover the expense thereof from the person upon whom the notice was served as a simple contract debt in any court of competent jurisdiction. (9) A person who contravenes subsection (1) of this section or fails to comply with a condition subject to which a consent of the Minister for Transport and Power has been given under this section shall be guilty of an offence and shall be liable— ( a ) on summary conviction to a fine not exceeding one hundred pounds, and ( b ) on conviction on indictment to a fine of such amount as the court may consider appropriate.

#### Protection of installations in designated areas.

6.—(1) The Minister may, for the purpose of protecting any installation in a designated area, after consultation with the Minister for Transport and Power and the Minister for Agriculture and Fisheries, by order, subject to any exceptions provided by the order, prohibit ships from entering without his consent such part of that area as may be specified in the order. (2) If a ship enters part of a designated area in contravention of an order under this section, its owner and master shall be guilty of an offence unless it is

proved that the prohibition imposed by the order was not and would not on reasonable inquiry have become known to the master. (3) A person guilty of an offence under this section shall be liable— ( a ) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both the fine and the imprisonment, and ( b ) on conviction on indictment, to a fine of such amount as the court may consider appropriate or to imprisonment for a term not exceeding twelve months or to both the fine and the imprisonment. (4) The Minister may by order revoke or amend an order under this section including an order under this subsection.

#### Discharge of oil.

7.—(1) If any oil to which section 10 of the Oil Pollution of the Sea Act, 1956, applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of the sea— ( a ) from a pipe-line, or ( b ) otherwise than from a ship, as the result of any operation for the exploration of the sea bed and subsoil or the exploitation of their natural resources in a designated area, the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it. (2) A person guilty of an offence under this section shall be liable— ( a ) on summary conviction to a fine not exceeding one hundred pounds, and ( b ) on conviction on indictment to a fine of such amount as the court may consider appropriate.

#### Submarine cables and pipe-lines.

8.—(1) section 3 of the Submarine Telegraph Act, 1885, and Article IV and the first paragraph of Article VII of the Convention set out in the Schedule to that Act shall apply in relation to all submarine cables and pipe-lines under the high seas and the said section 3 shall be construed— ( a ) as referring to telephonic as well as telegraphic communication, and ( b ) in relation to pipe-lines and electricity cables, as if from "to which the Convention" to the end of subsection (1) were deleted. (2) sections 4 and 13 of the said Submarine Telegraph Act, 1885, are hereby repealed.

#### Wireless apparatus.

9.—Any installation in a designated area and any waters within five hundred metres of such an installation shall be deemed, for the purposes of the Wireless Telegraphy Acts, 1926 and 1956, and any regulations made thereunder (subject, in the case of regulations made after the passing of this Act, to any contrary intention in the regulations), to be situated in the State.

#### Application of Social Welfare Acts, 1952 to 1967.

10.—The Minister for Social Welfare may by regulations make provision for— ( a ) treating as insurable employment for the purposes of the Social Welfare Acts, 1952 to 1967, any employment prescribed by the regulations which is employment in connection with the exploitation of the resources mentioned in section 2 (1) of this Act or with the exploration of the sea bed and subsoil in any designated area notwithstanding that such employment is not employment in the State, ( b ) treating as insurable (occupational injuries) employment for the purposes of those Acts any such employment, and ( c ) modifying the provisions of those Acts in their application in the case of persons in such employment.

#### Application of Insurance (Intermittent Unemployment) Acts, 1942 and 1963.

11.—The Minister for Social Welfare may by regulations make provision for— ( a ) treating as insurable employment for the purposes of the Insurance (Intermittent Unemployment) Acts, 1942 and 1963, any employment prescribed by the regulations which is employment in connection with the exploration or exploitation of the kind mentioned in section 10 of this Act notwithstanding that such employment is not

employment in the State, and ( b ) for modifying the provisions of those Acts in their application in the case of persons in such employment.

#### Inquiries.

12.—(1) Whenever an inquiry is proposed to be held under this Act, notice of the holding thereof shall be given in such manner as the Minister for Transport and Power may direct. (2) A person appointed to hold an inquiry under this Act may do all or any of the following things— ( a ) summon witnesses to attend before him at the inquiry, ( b ) examine on oath (which such person is hereby authorised to administer) witnesses attending before him at the inquiry, ( c ) require any such witnesses to produce any documents in their power or control the production of which such person considers necessary for the purposes of the inquiry. (3) A witness at an inquiry under this Act shall be entitled to the same immunities and privileges as if he were a witness before the High Court. (4) If a person— ( a ) on being duly summoned to attend as a witness at an inquiry under this Act, makes default in attending, or ( b ) so being in attendance as a witness, refuses to take an oath lawfully required by the person holding the inquiry to be taken, or to produce any document in his power or control lawfully required by the person holding the inquiry to be produced by him, or to answer any question to which such authorised person may require an answer, he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both the fine and imprisonment.

#### Prosecutions.

13.—(1) Proceedings for an offence under this Act (including an offence under another Act as applied by or under this Act and anything that is an offence by virtue of section 3 (1) of this Act) may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State. (2) Where a body corporate or an unincorporated body of persons is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body or any person who was purporting to act in any such capacity he, as well as the body, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly. (3) A member of the Garda Síochána shall in a designated area have all the powers, protection and privileges which he has in the State.

#### Laying of orders and regulations before Houses of Oireachtas.

14.—Every order and regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order or regulation is passed by either House within the next subsequent twenty-one days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

#### Expenses.

15.—The expenses incurred by the Minister or any other Minister of State in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

#### Short title.

16.—This Act may be cited as the Continental Shelf Act, 1968.