

Territorial Sea Act

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(1) Short title

This Act may be cited as the Territorial sea Act.

(2) Interpretation

In this Act-

"baseline" has the meaning assigned to it by section 5;

"bay" means an indentation of the coast the area of which is not less than that of a semicircle the diameter of which is a line drawn across the mouth of the indentation. For the purpose of this definition, the area of an indentation shall be taken to be the area bounded by low water mark around the shore of the indentation and the straight line joining the low water marks at its natural entrance points;

"Chief surveyor" means the Chief surveyor of the Ministry of Housing, Lands and Town and Country Planning;

"low tide elevation" means a naturally formed area of land which is surrounded by, and above, water at low tide but submerged at high tide and on which a lighthouse or other structure has been so constructed as to be permanently above sea level;

"nautical mile" means the international nautical mile;

"territorial sea" has the meaning assigned to it by section 3.

(3) Territorial sea

The territorial sea of Mauritius comprises those areas of sea which have-

(a) as their inner limits, the baseline; and

(b) as their outer limits, a line measured seaward every point of which is 12 nautical miles distant from the nearest point in the baseline.

(4) Internal waters

The internal waters of Mauritius include any area of sea that lies on the landward side of the baseline.

(5) Baseline of territorial sea

(1) subject to subsection (2), the baseline shall be the line of low water mark along the coast.

(2) (a) where the coast is-

(i) so indented as to form a bay which does not exceed 24 nautical miles in breadth; or

(ii) deeply indented and cut into, the baseline shall be a straight line joining the furthest points seaward in the line of low water mark at the natural entrance points of the bay or of the indentation, as the case may be.

1. Where islands are so situated in relation to one another as to form an archipelago, the baseline shall be straight lines joining points in the line of low water mark of the outermost islands and those points shall be so chosen as to enclose, when joined together by straight lines, the maximum area of sea.

(c) where a low tide elevation or an island is, either in whole or in part, within 12 miles of the line of low water mark along the coast or of the baseline as described in paragraph (a) or (b), the baseline shall be straight lines joining points in the line of low water mark of the coast and of the island or of the low tide elevation, as the case may be, and those points shall be so chosen as to enclose, when joined together by straight lines, the maximum area of sea.

(6) Bed and subsoil of territorial sea

Notwithstanding any other enactment, the seabed and the subsoil of the areas bounded, on the landward side, by the high water mark along the coast of Mauritius and, on the seaward side, by the outer limits of the territorial sea are vested in the Crown.

(7) Official charts

(1) For the purposes of this Act, the low water mark or the high water mark in any area shall be the line of low water mark or the line of high water mark, as the case may be, shown on the largest scale chart compiled, for the time being of that area, by or on behalf of the Ministry of Housing, Lands and Town and Country Planning.

(2) In any proceedings, a certificate purporting to be signed by the Chief surveyor or any other officer deputed by the Minister of Housing, Lands and Town and Country Planning to the effect that a chart compiled under this section is the largest scale chart for the time being of the area shown on the chart shall be admissible evidence of the matters stated in the certificate.

(8) Permanent harbour works

For the purposes of this Act, permanent harbour works which form part of the harbour system shall be deemed to be part of the coast.

(9) Removal of jetties and other structures

(1) No person shall build, erect or set up any jetty, wall, fence, groins or other structure on any part of the seabed without the express authorisation in writing of the Minister.

(2) where the minister is satisfied that any jetty, wall, fence, groins or other structure has been built or erected on any part of the seabed without his authorisation in writing, he may cause the same to be demolished and removed.

(3) In this section-

"Minister" means the Minister to whom responsibility for the subject of lands is assigned.

[Added 35/89]