

MARITIME ZONES ACT 2013

No. 323

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To make provision with respect to the territorial sea, contiguous zone, exclusive economic zone and the continental shelf of Niue, and related matters.

1 Name

This is the Maritime Zones Act 2013.

2 Interpretation

In this Act –

“contiguous zone” means the contiguous zone of Niue described in section 8;

“continental shelf” means the continental shelf of Niue described in section 10;

“exclusive economic zone” means the exclusive economic zone of Niue described in section 9;

“low-water mark” means the line of low water at the lowest astronomical tide;

“Minister” means the Minister responsible for maritime affairs;

“nautical mile” means the international nautical mile of 1,852 metres;

“territorial sea” means the territorial sea of Niue described in section 3.

PART 1

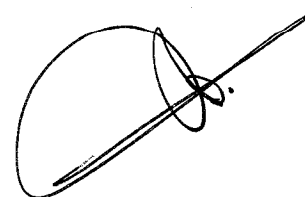
TERRITORIAL SEA

3 Territorial sea

The territorial sea comprises those areas of the sea having, as their inner limits, the baseline described in section 4 and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

4 Baseline of territorial sea

The baseline from which the breadth of the territorial sea is measured shall be the low-water mark along the coast of Niue, or where there is a coral reef along any part of the coast of Niue, the low-water mark along the outer edge of the coral reef.



5 Internal waters

The internal waters comprise any areas of the sea that are on the landward side of the baseline of the territorial sea of Niue.

6 Internal waters and territorial sea vested in Crown

The seabed and subsoil of the internal waters and territorial sea are, and are taken always to have been, vested in the Crown.

7 Permanent harbour works

For the purposes of this Act, permanent harbour works forming an integral part of a harbour system are taken to form part of the coast of Niue.

PART 2

CONTIGUOUS ZONE

8 Contiguous zone

The contiguous zone comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 4, every point of which is distant 24 nautical miles from the nearest point of the baseline.

PART 3

EXCLUSIVE ECONOMIC ZONE

9 Exclusive Economic Zone

The exclusive economic zone of Niue comprises those areas of the sea, seabed and subsoil that are beyond and adjacent to the territorial sea having as their outer limits a line measured seaward from the baseline described in section 4, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

PART 4

CONTINENTAL SHELF

10 Continental shelf

The continental shelf comprises those areas of the seabed and subsoil of the submarine areas beyond and adjacent to the territorial sea having as their outer limits a line measured seaward from the baseline

described in section 4, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

PART 5

OFFICIAL CHARTS

11 Official charts

(1) The Cabinet may endorse such charts as it considers fit showing any matter relating to the baseline of the territorial sea or the limits of the territorial sea, contiguous zone, exclusive economic zone or continental shelf.

(2) In any proceedings in a court, a certificate signed by the relevant Minister stating that a specified chart is a chart endorsed under this section is admissible as evidence of the matters stated in the certificate.

PART 6

DECLARATION AND LEGAL CHARACTER OF MARITIME ZONES

12 Declaration of maritime zones

The Cabinet may, from time to time, by Public Notice, declare, not inconsistently with sections 3, 8, 9, and 10, the geographic coordinates of the limits of the whole, or any part, of the territorial sea, contiguous zone, exclusive economic zone and continental shelf.

13 Legal character of maritime zones

The sovereignty of Niue extends to its land areas, internal waters, and territorial sea, and to the airspace over them and the seabed and subsoil under them, and the resources contained in them.

14 Control that may be exercised in the contiguous zone

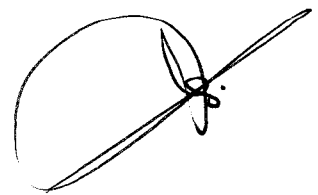
Within the contiguous zone, an authorized officer of the Government of Niue may exercise the control necessary to:

- (a) Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within Niue or the territorial sea; or
- (b) Punish infringement of its customs, fiscal, immigration or sanitary laws and regulations committed within Niue or the territorial sea; and

all relevant laws of Niue extend to the contiguous zone accordingly.

15 Rights in the exclusive economic zone and continental shelf

- (1) Within the exclusive economic zone, Niue has sovereign rights –
- (a) for the purposes of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of –
 - (i) the seabed;
 - (ii) the subsoil under the seabed, and
 - (iii) the waters over the seabed, and
 - (b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.
- (2) Within the continental shelf, Niue has –
- (a) sovereign rights for the purpose of exploring it and exploiting its natural resources, and
 - (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, Niue has the exclusive right to construct, authorise and regulate the construction, operation and use of:
- (a) artificial islands;
 - (b) installations and structures for the purposes provided in section 7, marine scientific research, the protection and preservation of the marine environment and other economic purposes, and
 - (c) installations and structures which may interfere with Niue's exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, Niue has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
- (5) Within the exclusive economic zone and continental shelf, Niue:



(a) has jurisdiction with respect to protection and preservation of the marine environment, and

(b) has the right to regulate, authorise and conduct marine scientific research..

(6) Within the contiguous zone, the exclusive economic zone and the continental shelf, Niue has such other rights as are conferred or recognised by international law.

16 Rights of other States in maritime zones

(1) The Minister may, by order, prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.

(2) Subject to subsection (1), ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of Niue.

(3) Subject to this Act, any other law of Niue, and international law, all States shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.

(4) Subject to this Act and any other law of Niue, all States may lay submarine cables and pipelines on the continental shelf in accordance with international law.

PART 7 REGULATIONS

17 Regulations

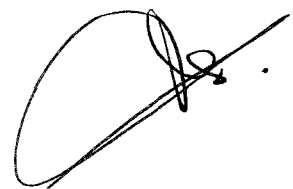
Cabinet may make all such regulations as may in the opinion of Cabinet be necessary or expedient for giving effect to this Act and for its due administration.

PART 8 CONSEQUENTIAL AMENDMENTS

18 The following legislation is amended at the commencement of this Act:

a) Continental Shelf Act 1964

Section 2 – Interpretation



Repeal the definition of “continental shelf” and insert:
“continental shelf” has the same meaning as in the *Maritime Zones Act 2013*.’

“Repeal Section 3.”

b) Domestic Fishing Act 1995

Section 2 – Interpretation

Insert “exclusive economic zone” has the same meaning as in the *Maritime Zones Act 2013*.’

Delete “territorial seas” in the definition of “fishery waters” and substitute “internal waters, territorial sea, exclusive economic zone and continental shelf as defined in the *Maritime Zones Act 2013*.’

Section 13(1) – Sunday fishing prohibited

Omit “fishery waters (territorial zone)” and substitute “internal waters” or “territorial sea”.

c) Interpretation Act 2004

Section 5 – Definitions

Insert

“contiguous zone” has the same meaning as in the *Maritime Zones Act 2013*.’

“continental shelf” has the same meaning as in the *Maritime Zones Act 2013*.’

“exclusive economic zone” has the same meaning as in the *Maritime Zones Act 2013*.’

“internal waters” has the same meaning as in the *Maritime Zones Act 2013*.’

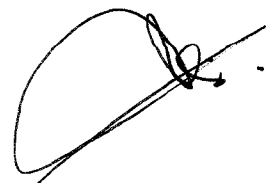
Repeal the definition of “territorial sea” and insert “territorial sea” has the same meaning as in the *Maritime Zones Act 2013*.’

d) Mining Act 1977

Repeal Section 3.”

e) Niue Consumption Tax Act 2009

Section 5 (4) – Zero-rated supplies



Delete the definition of “fishery waters” and substitute “fishery waters” means the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf as defined in the Maritime Zones Act 2013.’

f) Territorial Sea and Exclusive Economic Zone Act 1996

Section 2 – Interpretation

Delete the definition of “fishery waters” and substitute “fishery waters” means the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf as defined in the Maritime Zones Act 2013.’

Repeal sections 4 to 10.

Section 39(2)(c) omit “fisheries” substitute “fishery”.

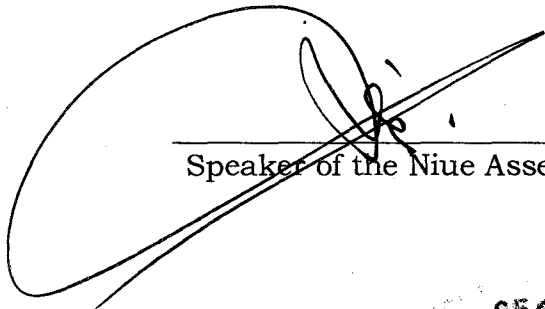
g) Whale Sanctuary Regulations 2003

Regulation 3(2) – Niue Whale Sanctuary

Omit “Territorial Sea and Exclusive Economic Zone Act 1997” substitute “*Maritime Zones Act 2013.*”

I, **AHOHIVA LEVI**, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.


SIGNED AND SEALED at the Assembly Chambers this
day of May ^{10th}
2013.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker





Clerk of the Niue Assembly

This Act was passed by the Niue Assembly on the 6th day of May 2013.
