

MARITIME JURISDICTION ACT 1959

LONGTITLE

An Act to make provision in respect of the territorial seas and the exclusive fishery limits of the state, and to provide for the conservation of the living resources of the sea and for other matters connected with the matters aforesaid. [29th July. 1959.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1 Interpretation.

SECT 1.—In this Act— "exclusive fishery limits" has the meaning given to it by or under section 6; "fishery conservation area" has the meaning given to it by section 7; "foreign ship" means a ship which is not a ship of the Naval Service of the Defence Forces or an Irish ship as defined by section 9 of the Mercantile Marine Act, 1955; "internal waters" has the meaning given to it by section 5; "island" means a naturally formed area of land surrounded by water which is above water at high water; "low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low water but submerged at high water; "nautical mile" means the length of one minute of an arc of a meridian of longitude; "ship" includes every description of vessel used in navigation whether on or under the surface of the water, howsoever propelled, and also includes a seaplane while it is in contact with the water.

2 The territorial seas.

SECT 2.—For the purposes of this Act, the territorial seas of the State shall be that portion of the sea which lies between the baseline and the outer limit of the territorial seas.

3 Outer limit of the territorial seas.

SECT 3.—For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of three nautical miles from the nearest point of the baseline.

4 The baseline.

SECT 4.—(1) Save as otherwise provided, the baseline is low-water mark— (a) on the coast of the mainland or of any island, or (b) on any low-tide elevation situated wholly or partly at a distance not exceeding three nautical miles from the mainland or an island. (2) The Government may by order prescribe straight baselines in relation to any part of the national territory and the closing line of any bay or mouth of a river, and any line so prescribed shall be taken as the baseline. (3) The Government may by order revoke or amend an order under, subsection (2).

5 Internal waters.

SECT 5.—The internal or inland waters of the State shall extend to all sea areas which lie on the landward side of the baseline of the territorial seas and all such sea areas shall be subject to the jurisdiction of the State to the same extent in all respects as its ports and harbours, bays, lakes and rivers, subject to any right of innocent passage for foreign ships in those sea areas which previously had been considered as part of the territorial seas or of the high seas.

6 The exclusive fishery limits of the State.

SECT 6.—(1) For the purposes of Part XIII of the Fisheries (Consolidation) Act, 1959, the exclusive fishery limits of the State shall comprise all sea areas which lie within the outer limit of the territorial seas. (2) The Government may by order provide that the exclusive fishery limits shall include a wider area

of sea than that to which subsection (1) applies, and may by order revoke any such order. (3) An area of sea defined by an order under subsection (2) shall, so long as the order is in force, form part of the exclusive fishery limits for the purposes of Part XIII of the Fisheries (Consolidation) Act, 1959. (4) Where the Government propose to make an order under subsection (2), a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the terms of the draft shall have been passed by each House. (5) Whenever, in any international agreement to which the State is a party the exclusive fishery limits are so described as to include any wider area of sea than that comprised therein by virtue of subsection (1) or (2), the Government may by order provide that the expression shall, as respects the citizens and ships of any other party to the agreement, include that area, and the order shall have the force of law in accordance with its terms. The Government may by order revoke any such order.

7 Conservation of the living resources of the sea.

SECT 7.—(1) Where the Government, having regard to any international agreement to which the State is a party, are satisfied that it is necessary so to do in order to maintain the productivity of the living resources of the sea, they may by order prescribe and adopt such measures of conservation as they think proper, appropriate to any stock of fish or other marine resources in any area (in this Act called "a fishery conservation area") of the high seas adjacent to the exclusive fishery limits, and may by order revoke or amend any such order. (2) Every person who contravenes or attempts to contravene any provision of an order under this section shall be guilty of an offence and shall on summary conviction be liable to the penalties provided by section 223 of the Fisheries (Consolidation) Act, 1959, for an offence under that section, and the provisions of that section and of Chapter IV of Part XIII of that Act shall apply to any such offence as if, for references therein to an offence under that Part, there were substituted references to an offence under this section. (3) A sea fisheries protection officer shall, for the purpose of enforcing an order under this section, have in relation to any sea-fishing boat and the owner, master or crew thereof the like powers as are conferred upon a sea fisheries protection officer by subsection (1) of section 233 of the Fisheries (Consolidation) Act, 1959, and the provisions of that section and of section 234 of that Act shall apply accordingly. (4) In this section, "sea fisheries protection officer", "sea-fishing boat" and "master" have the same meanings as in Part XIII of the Fisheries (Consolidation) Act, 1959.

8 Fishery permits.

SECT 8.—(1) Whenever the Minister for Lands so thinks proper, for experimental purposes in connection with sea-fishing, the Minister may issue a permit authorising fishing by means of a specified foreign sea-fishing boat (as defined by section 219 of the Fisheries (Consolidation) Act, 1959) within the exclusive fishery limits of the State or any defined area or areas thereof. (2) A permit shall be subject to such conditions as the Minister, at his discretion, shall specify, including, without prejudice to the generality of the foregoing, conditions as to the kind of fish to be taken, the disposal of the catch, the method of fishing to be employed, the times of fishing, and the information to be furnished in respect of the movements and operations of the boat. (3) The Minister may at any time modify the conditions of a permit and impose new conditions, and may revoke the permit. (4) Fishing under and in accordance with the conditions for the time being attached to a permit in force under this section shall not be a contravention of the prohibition on fishing by means of a foreign sea-fishing boat imposed by subsection (1) of section 222 of the Fisheries (Consolidation) Act, 1959.

9 Place of commission of offence.

SECT 9.—For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either where it actually was committed or arose or wherever the offender or person complained against may be.

10 Jurisdiction in case of offences.

SECT 10.—(1) Every offence committed within the territorial seas or internal waters is an offence within the jurisdiction of the State and may be dealt with by a court of competent jurisdiction although

committed on board or by means of a foreign ship and a person who commits such offence may be arrested, tried and punished accordingly. (2) For the purpose of arresting any person charged with an offence declared by this section to be within the jurisdiction of the State, the territorial seas and internal waters shall be deemed to be within the jurisdiction of any court, judge, justice or peace commissioner having power within the State to issue, warrants for the arrest of persons charged with offences committed within the jurisdiction of such court, judge, justice or peace commissioner.

11 Prosecution of alien for offence on foreign ship.

SECT 11.—(1) Proceedings (other than the taking of depositions) for the prosecution of an alien for an offence alleged to have been committed in the territorial seas on board or by means of a foreign ship shall not be instituted without the certificate of the Minister for External Affairs that the institution of the proceedings is in his opinion expedient. (2) This section does not apply to an offence against Part XIII of the Fisheries (Consolidation) Act, 1959, or an offence under section 7.

12 Saving as to jurisdiction.

SECT 12.—Nothing in this Act shall be construed to be in derogation of any jurisdiction of the State under international law or to affect or prejudice any jurisdiction conferred by any other enactment or now by law existing.

13 Evidence as to extent of internal waters, territorial seas, exclusive fishery limits and fishery conservation areas.

SECT 13.—The Government may by order prescribe the charts which may be used for the purpose of establishing low-water mark, or the existence and position of any low-tide elevation, or any other matter in reference to the internal waters, the territorial seas, the exclusive fishery limits or a fishery conservation area, and any chart purporting to be a copy of a chart of a kind or description so prescribed shall, unless the contrary is proved, be received in evidence as being a prescribed chart without further proof.

14 Adaptation of enactments.

SECT 14.—(1) References in any enactment to sea areas and waters within three miles or one league of the coast or shore and cognate expressions shall be construed as references to sea areas and waters lying within the outer limit of the territorial seas. (2) For the purposes of any other enactment the territorial seas shall be taken to comprise the sea area to which section 2 applies.

15 Laying of orders before Houses of the Oireachtas.

SECT 15.—Every order made by the Government under section 4, subsection (5) of section 6 or section 7 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 is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

16 Expenses.

SECT 16.—All expenses incurred, in carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

17 Repeals.

SECT 17.—The enactments mentioned in the second column of the Schedule are hereby repealed to the extent specified in the third column.

18 Short title and commencement.

SECT 18.—(1) This Act may be cited as the Maritime Jurisdiction Act, 1959. (2) This Act shall come into operation on the 1st day of October, 1959.

SCHEDULE ENACTMENTS REPEALED

.Short Title.	Extent of Repea
Sea Fisheries Act, 1843. the State).	The whole Act (in so far as it is or ever was in force in
.Sea Fisheries Act, 1868. the State).	The whole Act (in so far as it is or ever was in force in
Territorial Waters Jurisdiction Act, 1878. the State).	The whole Act (in so far as it is or ever was in force in
Sea Fisheries Act, 1883. the State)	The whole Act (in so far as it is or ever was in force in
North Sea Fisheries Act, 1893. the State).	The whole Act (in so far as it is or ever was in force in
Fisheries (Consolidation) Act, 1959. limits of the State".	In section 219, the definition of "the exclusive fishery