

# BASELINES OF MARITIME ZONES ACT 2006

## ACT 660

An Act to provide for the declaration of geographical co-ordinates of base points for the purpose of determining the baselines of Malaysia and for other matters connected therewith.

WHEREAS the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982:

AND WHEREAS Malaysia deposited her instrument of ratification on 14 October 1996 and therefore in accordance with Article 308 of the Convention, the said Convention entered into force as far as Malaysia is concerned on 14 November 1996:

NOW THEREFORE, IT IS **ENACTED** by the Parliament of Malaysia as follows:

### 1. Short title and commencement.

(1) This Act may be cited as the Baselines of Maritime Zones Act 2006.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

### 2. Interpretation.

In this Act, unless the context otherwise requires-

"chart " means a nautical chart specifically designed to meet the needs of marine navigation, showing depth of water, nature of the seabed, configuration and nature of the coast, dangers and aids to navigation, in a standardized format and such chart is also referred to as marine chart or hydrographic chart;

"low-water line " means the intersection of the plane of low-water with the shore; the line along a coast or beach to which the sea recedes at low water;

"baselines " means the baselines as determined under section 5;

"geodesic " means a curve giving the shortest distance between two points on a given surface;

"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;

"territorial sea " means the territorial waters of Malaysia as determined in accordance with the Emergency (Essential Powers) Ordinance, No. 7 1969 [*P.U. (A) 307A/1969*];

"Minister " means the Minister charged with the responsibility for maritime;

"continental shelf " means the continental shelf of Malaysia as defined in section 2 of the Continental Shelf Act 1966 [*Act 83*];

"exclusive economic zone " means the exclusive economic zone of Malaysia as determined in accordance with the Exclusive Economic Zone Act 1984 [*Act 311*];

"maritime zones " means the territorial sea, the continental shelf and the exclusive economic zone of Malaysia, or any of them, as the case may be.

### **3. Prevailing law.**

(1) In the event of any conflict or inconsistency between the provisions of this Act and those of any other written law, the provisions of this Act shall prevail and the conflicting or inconsistent provisions of such other written law shall, to the extent of the conflict or inconsistency, be deemed to be superceded.

(2) The provisions of any written law that is not in conflict or is consistent with the provisions of this Act shall otherwise continue to apply.

(3) In this section, the expression "written law" shall not include the Federal Constitution and the Constitutions of the States.

### **4. Geographical co-ordinates of base points.**

(1) The Yang di-Pertuan Agong, on the recommendation of the Minister may, by order published in the *Gazette*, declare the geographical coordinates of base points from which the baselines of Malaysia may be determined under section 5.

(2) For the purpose of subsection (1), the Yang di-Pertuan Agong may declare the geographical coordinates of base points of the specified areas.

(3) An order made under subsection (1) shall be laid before each House of Parliament as soon as possible after its publication.

### **5. Baselines.**

(1) Subject to subsection (2), the baselines for the purpose of determining the maritime zones of Malaysia shall be-

(a) the low-water line along the coast as marked on large scale charts;

(b) the seaward low-water line of a reef as shown by the appropriate symbol on charts; or

(c) the low-water line on a low-tide elevation that is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island.

(2) Notwithstanding subsection (1), in respect of any area for which geographical co-ordinates of base points have been declared under section 4, the method of straight baselines interpreted as geodesics joining the consecutive geographical coordinates of base points so declared may be employed for determining the maritime zones of Malaysia.

## **6. Limits of maritime zones.**

- (1) The maritime zones of Malaysia shall be measured from the baselines.
- (2) Notwithstanding subsection (1), the Yang di-Pertuan Agong, on the recommendation of the Minister may, by order published in the *Gazette*, declare the outer limit lines or the lines of delimitation of the whole or any part of any of the maritime zones of Malaysia.
- (3) An order made under subsection (2) shall be laid before each House of Parliament as soon as possible after its publication.

## **7. Maps and charts.**

- (1) The Yang di-Pertuan Agong may, on the recommendation of the Minister-
  - (a) cause to be prepared and issued any map as he thinks fit showing any matter relating to the geographical co-ordinates of base points, the baselines, the outer limit lines and the lines of delimitation of the maritime zones of Malaysia; or
  - (b) cause to be prepared and issued a large-scale chart or appropriate scale chart for ascertaining position, as he thinks fit, showing the low-water line along the coast and may cause to be shown on such chart any other matter referred to in paragraph (a).
- (2) Without prejudice to the generality of paragraphs (1)(a) and (b), such map or chart shall be-
  - (a) the map prepared and issued by the Director General of Survey and Mapping, Malaysia or the chart prepared and issued by the Director General of the Royal Malaysian Navy Hydrographic Department respectively;
  - (b) dated and certified as a true and correct copy of a map or chart in relation to the matters contained in it by the Director General of Survey and Mapping, Malaysia or the Director General of the Royal Malaysian Navy Hydrographic Department respectively; and
  - (c) deposited in the office of the Director General of Survey and Mapping, Malaysia or the Director General of the Royal Malaysian Navy Hydrographic Department respectively.
- (3) Any map or chart prepared and issued under paragraph (2)(a) or (b) shall be published in the *Gazette* and, if necessary, in such other form as the Yang di-Pertuan Agong, on the recommendation of the Minister, may determine.
- (4) Any map or chart prepared and issued under paragraph (2)(a) or (b) may be made available to the public upon the payment of prescribed fee.
- (5) In any proceedings before any court, any map or chart prepared and issued under subsection (1) or (2) shall be admissible in evidence as *prima facie* proof of the contents of such map or chart.

## **8. Certificate of Minister.**

In any legal or other proceedings, a certificate issued by or under the authority of the Minister containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings, situated within any of the maritime zones of Malaysia shall be-

(a) a conclusive proof of the contents of the statement without formal proof of the signature or official title of the person appearing to have issued the certificate; and

(b) admissible in evidence in such proceedings, but its production cannot be compelled.

## **9. Regulations.**

The Minister may make regulations as may be necessary or expedient for giving full effect to the provisions of this Act and such regulations may provide for any matter which under this Act is required or permitted to be prescribed or which is necessary or expedient to be prescribed.