

Mauritius

Maritime Zones Act, 1977

31st May, 1977

A bill to provide for certain matters relating to the territorial waters, the continental shelf, the exclusive economic zone and the historic waters of Mauritius.

Enacted by the Parliament of Mauritius as follows-

Short title

1. This Act may be cited as the Maritime Zones Act 1977.

Interpretation

2. In this Act-

"baseline" means the baseline as determined in accordance with the straight baseline system;

"continental shelf" means the continental shelf of Mauritius;

"designated area" means an area declared as such under section 9;

"exclusive economic zone" means the exclusive economic zone of Mauritius;

"historic waters" means the historic waters of Mauritius and includes such places or areas, as may be designated by the Minister by notice published in the *Gazette*, rights over which are, or may become exercisable by, the State of Mauritius.

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Mauritius, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Mauritius;

"resources" includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Mauritius.

Sovereignty over and limits of territorial waters

- 3.(1) The sovereignty of Mauritius extends and has always extended to the territorial waters and to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the Prime Minister considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (4), by Order published in the *Gazette*, amend the limit of the territorial waters.

(4) No Order shall be made under subsection (3) unless the draft of the Order has been approved by the Legislative Assembly.

Use of territorial waters by foreign ships

4. (1) Without prejudice to any other enactment in force but subject to subsections (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the Permanent Secretary, Prime Minister's Office.

(3) Submarine shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the Prime Minister is satisfied that it is necessary so to do-

(a) in the interest of public safety, public order, defence or security of Mauritius or any part thereof; or

(b) in pursuance of any treaty to which Mauritius is a party, he may, by Order published in the *Gazette*, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

Continental shelf

5.(1) The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Mauritius-

(a) to the outer edge of the continental margin; or

(b) to a distance of two hundred nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Mauritius has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

Exclusive economic zone

6. (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles

from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the Prime Minister considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (3), by Order published in the *Gazette*, amend the limit of the exclusive economic zone as specified in subsection (1).

(3) No Order shall be made under subsection (2) unless the draft of the Order has been approved by the Legislative Assembly.

Rights over continental shelf and exclusive economic zone

7. (1) Without prejudice to sections 3, 5 and 6, but subject to subsections (3) and (6) Mauritius has, in the continental shelf and the exclusive economic zone

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorise, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Mauritius or of a licence granted by or under the authority of the Prime Minister, no person shall, in relation to the continental shelf or the exclusive economic zone

(a) explore or exploit any resources;

(b) carry out any search, excavation or drilling operations;

(c) conduct any research;

(d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (4) and to any measures that may be necessary for protecting the interest of Mauritius, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the Prime Minister has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Mauritius or a body corporate registered in Mauritius and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Mauritius of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms -

- (a) freedom of navigation; and
- (b) freedom of overflight.

Historic waters

8. (1) The Prime Minister may, by Order published in the *Gazette*, specify the limits of the historic waters.

(2) The sovereign rights of Mauritius extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the air space over, the historic waters.

Designated areas of the continental shelf and the exclusive economic zone

9. The Prime Minister may, by Order published in the *Gazette*,

- (a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and
- (b) make such provisions as he considers necessary with respect to
 - (i) the exploration, exploitation and protection of the resources within the designated area;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area;
 - (iii) the regulation and conduct of scientific research in the designated area;
 - (iv) the protection of the marine environment in the designated area;
 - (v) customs and other fiscal matters in relation to the designated area;
 - (vi) the regulation of entry into and passage of foreign ships through the designated area;
 - (vii) the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Mauritius.

Extension of enactments

10. The Prime Minister may, by Order published in the *Gazette*,-

- (a) extend with such restrictions and modifications as he thinks fit, any

enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

(b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Publication of charts

11. The Prime Minister may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Offences

12. (1) Any person who contravenes any provision of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to penal servitude not exceeding five years.

(2) Any person who commits an offence shall be tried in the Intermediate Court.

Offences by agents and body corporate

13 (1) Where an offence is committed by -

(a) an agent, the person for whom the agent is acting;

(b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity, shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

Application of Act

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Regulations

15. (1) The Prime Minister may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations

made under subsection (1) may provide for all or any of the following matters -

- (a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historic waters;
- (b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (c) the regulation of the construction, maintenance of artificial islands, off-shore terminals, installations and other structures and devices;
- (d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;
- (e) the regulation and conduct of scientific research;
- (f) the fees in relation to licences; and
- (g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

Commencement

16. This Act shall come into force on a day to be fixed by Proclamation.