

## Continental Shelf Act

RL 1/581 - 16th of April 1970

### 1 Short title

This Act may be cited as the Continental Shelf Act.

### 2 Interpretation

In this Act-

"natural resources" means-

- (a) the mineral and other natural non-living resources of the sea bed and subsoil; and
- (b) living organisms belonging to the sedentary species, that is to say, organisms which, at the harvestable stage, are either immovable on or under the sea bed or unable to move except in constant physical contact with the sea bed or the subsoil;

"territorial sea" means the territorial sea of Mauritius, comprising the areas of sea described in section 3 of the Territorial Sea Act.

### 3 Rights vested in Crown

All rights that are exercisable by Mauritius with respect to the continental shelf and its natural resources shall be deemed to be, and always to have been, vested in the Crown.

### 4 Application of laws to continental shelf

(1) Subject to this Act-

- (a) any act or omission which takes place on, under or above, any waters within 500 metres of, any installation or device (whether permanent or temporary) erected, placed or used, in, on or above the continental shelf shall be deemed to take place in Mauritius;
- (b) any such installation or device shall be deemed, for purposes of jurisdiction whether civil or criminal, to be situated in the district of Port Louis;
- (c) any installation or device and any materials used in the construction thereof, which are brought into the waters above the continental shelf from beyond the high seas, excluding Mauritius, shall be deemed to have been imported into Mauritius when the installation or device is constructed or placed in, on or above the continental shelf and similarly the installation, device or materials and any matter of any description whatsoever shall, when taken away from the waters above the continental shelf and not brought into Mauritius, be deemed to have been exported from Mauritius.

(2) The provisions of any enactment in force in Mauritius shall apply to the continental shelf or any part of it, subject to such modifications and exceptions as the Minister may, by regulations, declare.

(3) In this section "device" includes any ship, platform or aircraft, used in connection with any installation.

## 5 Interference

(1) No person shall, without the written authorisation of the Minister or in contravention of any requirement or condition specified in the authorisation and designed to prevent any interference with the reasonable exploration of the continental shelf and exploitation of the natural resources thereof, lay or maintain any submarine cable or pipe lines on the continental shelf.

(2) Any person acting in breach of this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1000 rupees for each day on which the offence occurs or continues or to imprisonment for a term not exceeding one year.

## 6 Regulations

The Minister may make regulations to carry out the purposes of this Act and, in particular but without prejudice to the generality of the foregoing power, for-

- (a) regulating the construction, erection or use of any installation or device in, on or above the continental shelf;
- (b) prohibiting the construction or erection or placing of any installation or device in, on or above the continental shelf at places where they are likely to cause interference with the use of recognised sea lanes essential to coastwise or international navigation;
- (c) establishing safety zones, extending to a distance not exceeding 500 metres measured from each point of the outer edge of the installation or device, around the installation or device above the continental shelf;
- (d) prescribing such measures as may appear to the Minister to be necessary for the protection of the installation or device in respect of which the safety zone is established;
- (e) regulating or prohibiting the entry of ships into any safety zone;
- (f) prescribing such measures as appear to the Minister to be necessary in the safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful effects;
- (g) prescribing-
  - (i) the notice to be given of the construction, erection or placing of any installation or device in, on or above the continental shelf;
  - (ii) the permanent means or method of giving warning to ships and aircraft of the presence of the installation or device;
- (h) providing for the removal of any installation or device, constructed, erected or placed in, on or above the continental shelf, which has been abandoned or become disused;
- (i) prohibiting or restricting any exploration or exploitation of the continental shelf or any part thereof which may appear to the Minister to be likely to cause an unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea or to be likely to interfere with national defence or security or with oceanographic or other scientific research;

- (j) prescribing penalties for breaches of regulations made under this section not exceeding a fine of 1,000 rupees for each day on which the offence occurs or continues or to imprisonment not exceeding one year.

#### 7 Jurisdiction of Magistrates

Notwithstanding anything to the contrary in section 114 of the courts Act, a Magistrate shall have jurisdiction to try ail charges relating to any offence under this Act and may impose all fines provided for thereunder.