

Maritime Areas Act, 1982, Act No. 18 of 17 August 1982(1)

An Act to provide for the extension of the limits of the territorial sea of Antigua and Barbuda, to make provision with respect to the continental shelf of Antigua and Barbuda, to provide for the drawing of archipelagic baselines and the enclosing of archipelagic waters in relation to Antigua and Barbuda and to make provisions for contiguous, exclusive economic and fishing zones and for matters connected therewith or incidental thereto.

ENACTED by the Parliament of Antigua and Barbuda as follows:

Short title

1. This Act may be cited as the Maritime Areas Act 1982.

Interpretation

2. In this Act:

- "archipelagic waters" means the waters defined in section 2B;
- "baselines" means the baselines of the territorial sea specified in section 4;
- "Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;
- "exclusive economic zone" means the exclusive economic zone of Antigua and Barbuda as defined in section 7;
- "fishery zone" means the fishing zone of Antigua and Barbuda as defined in section 8;
- "foreign ship" means the ship of a foreign State;
- "foreign State" means a State other than Antigua and Barbuda;
- "innocent passage" means passage which is not deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda;
- "internal waters" means the internal waters of Antigua and Barbuda as defined in section 2A;
- "low-water line" means the low-water line of the coasts of Antigua and Barbuda at lowest astronomical tide;
- "Minister" means the Minister responsible for External Affairs;
- "nautical mile" means the International Nautical Mile of 1852 metres;
- "passage" means the navigation of a ship in archipelagic waters or territorial sea without stopping or hovering, but includes stopping, hovering and anchoring in so far as the same are rendered necessary by force majeure or by reason of distress or for the purpose of affording assistance to persons, ships or aircraft in danger or distress;
- "ship" includes vessel, boat, or sea-craft of any kind;
- "submarine areas" includes the seabed and subsoil thereof;
- "territorial sea" means the territorial sea of Antigua and Barbuda as defined in section 3.

Internal waters

2A. (1) The internal waters of Antigua and Barbuda comprise the areas of the sea that are on the landward side of:

- (a) the low-water line; or
- (b) closing lines prescribed pursuant to subsection (2).

(2) The Minister may, whenever he considers it appropriate to do so having regard to international law and practice, by order prescribe closing lines for the purpose of defining any of the internal waters of Antigua and Barbuda.

Archipelagic waters

2B. The archipelagic waters of Antigua and Barbuda comprise the areas of the sea (other than internal waters) on the landward side of the baselines.

Limits of territorial sea

3. (1) Subject to subsection (2), the territorial sea of Antigua and Barbuda comprises those areas of the sea having, as their landward limit, the baseline and, as their seaward limit, a line measured seaward from the baselines, every point of which is twelve nautical miles distant from the nearest point of the baselines.

(2) Where the equidistance line between Antigua and Barbuda and a foreign State is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if practical be effected by agreement between Antigua and Barbuda and the foreign State; but to the extent that no such agreement is effected, the equidistance line shall constitute the seaward limit of the territorial sea.

(3) In this section, "equidistance line" as between Antigua and Barbuda and a foreign State, means a line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State.

Baselines of the territorial sea

4. The baselines, for the purpose of measuring the breadth of the territorial sea, shall be straight archipelagic baselines drawn in relation to Antigua and Barbuda.

Contiguous zone

- (a) sovereign rights for the purpose of the exploration for, and the exploitation and management of, natural resources;
- (b) the exclusive rights to construct and to authorize and regulate the construction, operation and use of:
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for under paragraph (a) or any other economic purposes;
 - (iii) installations and structures which may interfere with the exercise of Antigua and Barbuda rights in respect of the continental shelf; and
- (c) the exclusive right to regulate, authorize and conduct marine scientific research.

Archipelagic sea lanes passage

15B. (1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise the right of archipelagic sea lanes passage, that is to say, the right of navigation and overflight in the normal mode through or over archipelagic waters for the purpose of continuous expeditious and unobstructed transit between:

- (a) one part of the high seas or an exclusive economic zone; and
- (b) another part of the high seas or an exclusive economic zone.

(2) Subject to subsection 4, the right of archipelagic sea lanes passage shall be exercised only through sea lanes or air routes designated pursuant to section 20C.

(3) In exercising the right of archipelagic sea lanes passage a foreign ship shall observe international regulations, procedures

magistrate appointed to any magisterial District, and such magistrate shall have and exercise all the powers, privileges, rights and jurisdiction as are conferred on him by the Magistrate's Code of Procedure Act.

(2) Regulations made under this section shall be subject to affirmative resolution of the Legislature and shall be judicially noticed.

Offence

20. (1) A person who assaults or obstructs a person acting under the authority of this Act or the regulations is guilty of an offence under this Act.

(2) A person who is guilty of an offence under subsection (1) or section 16 (2) is liable:

- (a) On conviction or indictment to a fine of one hundred thousand dollars or imprisonment for a term of 5 years or both; or
- (b) On summary conviction to a fine of twenty thousand dollars or imprisonment for a term of 2 years or both.

(3) The court may in addition to any penalty which it may impose under this section for an offence under section 16 (2), order the forfeiture to the Crown of any ship engaged, or equipment used, in any activity which is the subject of the offence.

Arrest on board foreign ship in territorial sea, etc.

20A. (1) Subject to this section, where an offence is committed on board a foreign ship (being a merchant ship or a government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the ship during that passage, only if:

- (a) The consequences of the offence extend to Antigua and Barbuda;
- (b) The offence is of a kind likely to disturb the peace of Antigua and Barbuda or the good order of the territorial sea;
- (c) The assistance of the Government or any public officer has been requested by the master of the foreign ship or by a diplomatic agent or consular officer [illegible];
- (d) It is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.

(2) The limitations in subsection (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving internal waters.

(3) Subject to this section where a foreign ship, proceeding from a port outside Antigua and Barbuda, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) there are clear grounds for believing that the ship has, in the exclusive economic zone, committed a violation of:
 - (i) applicable international rules and standards for the prevention, reduction and control of pollution from ships; or
 - (ii) any provision of the regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) there are clear grounds for believing that the violation has resulted in substantial discharge causing or threatening significant pollution of the marine environment; or
- (c) there is clear objective evidence that the violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Antigua and Barbuda, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 16.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-section (1) or (3) shall be made or, as the case maybe, corrected out, with due regard to the interest of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a ship unless the ship has

refused, when lawfully required to do so to give information regarding its identity and part of registry, its last and next port of call and other relevant information required to established whether a violation of the kind referred to in subsection (3) (a) has occurred.

(7) The prescribed power referred to in subsection (8) (b) shall not be exercised in relation to a ship where appropriate procedures, which bind Antigua and Barbuda, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the ship.

(8) For the purpose of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and

(a) for the purpose of subsection (3) (b), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3) (a); and

(b) for the purposes of subsection (3) (c), includes a power to detain a ship.

Civil jurisdiction in relation to foreign ships in territorial sea

20B. (1) No foreign ship passing through the territorial sea shall be stopped or diverted for the purposes only of the exercise of any civil jurisdiction in relation to a person on board a ship.

(2) Subject to subsection (3), no person shall arrest or levy execution against a foreign ship for passing through the territorial waters for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course or for the purpose of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying of execution against, a foreign ship, shall not apply in the

thereof.

Commencement

24. This Act shall come into operation on such day as the Governor-General may by proclamation appoint.

