

"Convention" means the United Nations Convention on the Law of the Sea signed in Montego Bay on the 15th day of December, 1982;

"fish" means any aquatic animal whether piscine or not and includes shellfish, turtle, mollusc, crustacean, coral, sponge, enchinoderms, their young and their eggs;

"living resources" includes fish and all other forms of aquatic life;

"Marine Officer" means any officer employed to the Customs and Excise Department, any game warden approved as such under the Wild Life Protection Act, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force or any public officer designated a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister;

Schedule

"scheduled enactment" means:

- (a) an enactment specified in the Schedule; or
- (b) regulations made under an enactment so specified, containing provisions regulating an activity which, for the time being having regard to the circumstances of the case, is required to be authorized by licence;

"vessel" includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or any other sea-going vessel, whether surface craft or submarine;

"Zone" means the Exclusive Economic Zone established under section 3.

Establishment of Zone

3. (1) There is established beyond and adjacent to the territorial sea of Jamaica a Zone to be known as the Exclusive Economic Zone.

(2) The Zone shall have as its inner limit the boundary line of the seaward limit of the territorial sea and, subject to subsection (3), as its outer limit a boundary line which is at every point a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(3) Where the outer limit referred to in subsection (2) intersects the outer limit of the exclusive economic zone of any other State whose coasts are opposite or adjacent to Jamaica, delimitation of the boundaries of the Zone for Jamaica and that State shall be effected by agreement on the basis of international law as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

Rights in and jurisdiction over Zone

4. In the Zone there is vested in the Crown:

(a) sovereign rights in respect of:

(i) the exploration, exploitation, conservation, protection and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil;

(ii) all other activities for the economic exploitation and exploration of the Zone, including the production of energy from the water, currents and winds;

(b) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures;

(c) jurisdiction in respect of:

(i) the authorization, regulation and control of scientific research and the recovery of archaeological or historical objects;

- (ii) the preservation and protection of the marine environment and the prevention and control of marine pollution; and
- (d) all other rights and jurisdiction as are recognized by the Convention or by international law.

Rights and duties of other States in Zone

5. Subject to the provisions of this Act, all States have in the Zone the rights and duties of States as specified in the Convention with respect to the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to such freedoms.

Exploration for and exploitation of living resources of the Zone

6. (1) No person shall within the Zone explore for or exploit any living resources thereof except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment.
- (2) No person shall use any vessel to explore for or exploit any living resources of the Zone unless, subject to section 11, there is, in relation to that vessel, a licence granted pursuant to the relevant scheduled enactment.
- (3) Any person who contravenes subsection (1) or (2) commits an offence and is liable:
- (a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars; and
 - (b) on conviction on indictment in a Circuit Court to a fine not exceeding two hundred and fifty thousand dollars, and in the case of a second or subsequent offence to a fine not exceeding five hundred thousand dollars, and in addition, either such Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

Exploration for and exploitation of non-living resources of the Zone

7. (1) No person shall within the Zone, except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment:
- (a) explore for or exploit any non-living resources thereof;
 - (b) carry out any search, excavation or any activity relating to the recovery of archaeological or historical objects;
 - (c) conduct any research; or
 - (d) carry out any economic activity.
- (2) No person shall use any vessel to explore for or exploit any non-living resources of the Zone unless, subject to section 11, there is in relation to that vessel a licence granted pursuant to the relevant scheduled enactment.
- (3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court:
- (a) in the case of an individual:
 - (i) to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;

- (ii) in respect of a second or subsequent offence to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment,

and, where the offence is a continuing one to a further fine of twenty-five thousand dollars per day for each day on which the offence continues after conviction;

- (b) in the case of a body corporate:
 - (i) to a fine not exceeding five hundred thousand dollars;
 - (ii) in respect of a second or subsequent offence to a fine not exceeding one million dollars and, where the offence is a continuing one to a further fine of fifty thousand dollars per day for each day on which the offence continues after conviction,

and, in addition the Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

- (4) Any person who contravenes subsection (2) commits an offence and is liable:
 - (a) on summary conviction in a Resident Magistrate's Court:
 - (i) in the case of an individual to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and
 - (ii) in the case of a body corporate, to a fine not exceeding seventy-five thousand dollars; and
 - (b) on conviction on indictment in a Circuit Court:
 - (i) in the case of an individual to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; and
 - (ii) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars;

and, in addition, either such Court may order the forfeiture of the vessel.

**Grant of licence for exploration for or exploitation of living
or non-living resources of the Zone**

8. (1) Subject to section 11, licences for the exploration for or exploitation of the living or non-living resources of the Zone shall be granted in accordance with provisions relating to the grant of licences contained in the relevant scheduled enactment and for that purpose the jurisdiction of any person or authority under the scheduled enactments shall extend to the Zone in like manner as if:

- (a) the Zone constituted a part of the territorial sea of Jamaica; and
- (b) any reference to Jamaica or this Island or any land in Jamaica included (other than for purpose of delineating the Zone) any artificial island, installation or structure established in the Zone.

(2) The penalties provided in this Act in relation to the exploration for or exploitation of living or non-living resources of the Zone without a licence shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding penalties in those enactments.

(3) Fees prescribed by regulations made under this Act for applications for licence to explore for or exploit any living or non-living resources of the zone shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding fees in those enactments.

Application of enactments to Zone

9. (1) The Minister may by order published in the Gazette extend the application of any enactment, with such exceptions and modifications as may be specified in the order, to the Zone or any part thereof; and an enactment so extended shall have effect in relation to the Zone as if that enactment had been enacted in this Act.

(2) An order under subsection (1) shall be subject to negative resolution.

Extension of jurisdiction of the Courts and any other authority to Zone

10. For the purpose of giving effect to this Act the jurisdiction and powers of the Courts of Jamaica and officers thereof and of any constable or other person authorized to perform the duties of a constable shall extend to the Zone in like manner as if the Zone constituted a part of the territorial sea of Jamaica.

Minister may make order regarding issue or revocation of licence

11. (1) Where the Minister thinks fit he may, by order published in the Gazette, provide that any licence applicable to or within the Zone:

- (a) shall not be issued without his concurrence; and
- (b) shall only be issued or revoked in such circumstances and subject to such conditions as may be specified in the order.

(2) An order under subsection (1) shall make provision for the appointment of an advisory committee to advise the Minister in relation to licences affecting the Zone.

Person prejudiced by order of forfeiture may apply to Court for revocation

12. (1) Where under subsection (3) of section 6 or subsection (3) or (4) of section 7 a Court makes an order for the forfeiture of a vessel and any person is prejudiced by the making of that order, that person may make an application to that Court for the revocation of the order and, if the Court is satisfied that it is just so to do, the Court may, upon such terms and conditions, if any, as it thinks fit, revoke the order.

(2) An application under subsection (1) shall be made within three months of the date of the order, so, however, that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months, the time (whether expired or not) for making that application may be extended by the Court as it thinks fit.

Powers and duties of Marine Officers

13. (1) A Marine Officer shall have, in the Zone, power to:

- (a) board any vessel which he has reasonable cause to suspect is engaged in the exploration or exploitation of living or non-living resources and to search such vessel, fish, fishing gear or any other equipment on board thereof;
- (b) require the master or person in charge of such vessel to produce his licence;

- (c) require the master or person in charge of such vessel to produce the licence for such vessel;
 - (d) require the master or person in charge of such vessel to give an explanation concerning the activities of such vessel or any person on board such vessel;
 - (e) do all such other acts as he is authorized or required to do by this Act or by any regulations made thereunder.
- (2) A Marine Officer may, within the Zone, with or without a warrant:
- (a) seize any vessel, net, gear, tackle or other equipment which is being used by any person in committing an offence against this Act; or
 - (b) where, in respect of any vessel, he reasonably suspects that an offence has been committed against this Act:
 - (i) seize any cargo on the vessel; and
 - (ii) detain the master or person in charge of the vessel.
- (3) Where a vessel, net, gear, tackle or other equipment is seized or a person detained under subsection (2), a Marine Officer shall, as soon as practicable thereafter, take all reasonable measures to ensure that the vessel, net, gear, tackle or other equipment is taken to the nearest convenient port and that the person detained is brought before a Resident Magistrate to answer a charge in connection with the offence that gave rise to the seizure or detention.
- (4) A Marine Officer shall take all reasonable steps to ensure that any cargo seized is kept in good condition, so, however, that the Marine Officer may, if he thinks it necessary, dispose of any cargo in order to avoid spoilage of that cargo.
- (5) Where a Marine Officer seized cargo, which at the time of seizure is spoilt, he shall, as soon as is convenient thereafter, dispose of the spoilt cargo.
- (6) Where a Marine Officer disposes of cargo pursuant to subsection (4) or subsection (5) he shall issue a receipt to the master or person in charge of the vessel and the receipt shall state the date of disposal, the quantity and condition of cargo disposed of and the amount, if any, realized.
- (7) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

Procedure consequent on detention or seizure in the Zone

14. (1) Where a vessel is seized or a person detained under subsection (2) of section 13, then:
- (a) in the case of a vessel which is not registered in Jamaica or of a person who is not a citizen of Jamaica, a Resident Magistrate shall determine, pending hearing of the charge, the amount of security (whether by way of bond or otherwise) to be given for the release of the vessel or person and on the giving of such security the vessel or person shall be released;
 - (b) in the case of a vessel which is registered in Jamaica or a person who is a citizen of Jamaica, the Court shall determine, pending hearing of the charge, whether the vessel or person ought to be released and, if

released, the amount of security to be given for such release.

- (2) Where under subsection (2) of section 13 a vessel, net, gear, tackle or other equipment or any cargo is seized, then:
- (a) if the item seized has not been claimed within a period of thirty days of such seizure, a Resident Magistrate may order the forfeiture of that item; and
 - (b) upon the conviction of any person who permitted the use of, or is in charge of, any such item, the Court may, upon the application of the prosecution, order the forfeiture of any such item, if the Court is satisfied that:
 - (i) the item was used in the commission of the offence or was otherwise connected with the offence; and
 - (ii) the circumstances of the case are such that it is just so to order.
- (3) Where a person is brought before a Resident Magistrate pursuant to subsection (3) of section 13 to answer a charge and is acquitted of the charge:
- (a) any item seized in connection with the alleged offence and not forfeited pursuant to subsection (2) (a) of this section shall be returned to him; and
 - (b) if any cargo which was in his possession at the time of detention has been disposed of pursuant to subsection (4) of section 13, the Resident Magistrate may order that he be paid compensation therefor in such amount as the Resident Magistrate considers just.

**Diplomatic or consular officer to be informed
regarding seizure of vessel**

15. (1) Where any vessel which is not registered in Jamaica has been seized within the Zone by a Marine Officer, the Marine Officer making such seizure shall inform the appropriate authority of such seizure; and the appropriate authority shall ensure that a diplomatic or consular representative of the State of registration of the vessel is informed of such seizure and of the penalties, if any, imposed on such vessel and its occupants.

(2) In subsection (1) "appropriate authority" means the Minister responsible for foreign affairs or such other person as he may designate.

Provision regarding proceeds of sale and compensation

16. The proceeds of sale of any cargo disposed of under subsection (4) or subsection (5) of section 13 shall be paid into Court for credit to the Consolidated Fund, and if, in relation thereto, compensation is payable under paragraph (b) of subsection (3) of section 14 payment thereof shall be made by the Accountant-General.

**Proceedings against the Crown, Marine Officer
or person acting in his aid**

17. In any action or other legal proceedings brought against the Crown or any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or the regulations the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable or probable cause.

Offences committed within the Zone

18. (1) Any person who:
- (a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;
 - (b) subject to subsection (2), refuses or fails to produce any licence under this Act which he is required by a Marine Officer to produce;
 - (c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act;
 - (d) assaults or obstructs any Marine Officer in the execution of his duty; or
 - (e) removes, alters or interferes with any article seized under section 13 without the authority of a Marine Officer,
- commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under that subsection.

Other indictable offences

19. (1) An act:
- (a) committed in the Zone by a person, whether he is or is not a citizen of Jamaica; and
 - (b) being of such a description as would, if committed on land in Jamaica, be punishable on indictment, is an offence punishable on indictment in Jamaica in like manner, notwithstanding that it may have been committed on board, or by means of, a vessel the nationality or registration of which is not Jamaican, and the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence.
- (2) For the purposes of this section all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.
- (3) For the purposes of arresting any person charged with an offence declared by subsection (1) to be punishable in Jamaica, the Zone shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to arrest persons acting in breach of the law or to issue warrants for the arrest of any person charged with any offence.
- (4) Nothing in this section shall:
- (a) restrict or prejudice the exercise of any powers or authority by, for or on behalf of, or in the name or

service of, Her Majesty in right of Her Government of Jamaica pursuant to international law;

- (b) abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provision contained in any law in force for the time being in Jamaica;
- (c) preclude any act of piracy from being tried or otherwise dealt with pursuant to any law in force for the time being in Jamaica.

(5) No prosecution for an offence punishable under subsection (1) shall be instituted except by or with the consent of the Director of Public Prosecutions:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

(6) Notwithstanding any provision to the contrary in any other enactment, proceedings against any person for an offence declared under subsection (1) to be punishable in Jamaica may be commenced before a Resident Magistrate having jurisdiction in the parish where that person is for the time being, and, for all incidental and consequential purposes, the offence shall be deemed to have been committed within the boundaries of that parish.

Minister may amend Schedule

20. (1) The Minister may from time to time amend the Schedule by order published in the Gazette.
- (2) An order under subsection (1) shall be subject to negative resolution.

Regulations

21. The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations for:

- (a) charts to be officially recognized as indicating baselines or boundaries of the Zone, and the admission in evidence of such charts or copies thereof certified in the prescribed manner;
- (b) defining the limits of the Zone whether by way of such charts as aforesaid or otherwise;
- (c) regulating the construction, maintenance and removal of artificial islands, installations and structures;
- (d) the establishment of safety zones around artificial islands, installations and structures;
- (e) regulating customs, fiscal, health, safety and immigration matters on artificial islands, installations and structures;
- (f) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessel and the imposition of penalties thereon;
- (g) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (h) regulating any activity relating to the economic exploration or exploitation of the Zone;
- (i) regulating the authorization, control and supervision of scientific research in the Zone and the recovery of archaeological and historical objects;

- (j) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (k) determining the terms and conditions of joint ventures or other cooperative arrangements to be implemented in the Zone;
- (l) specifying the requirements for training personnel and the transfer of technology;
- (m) determining the allowable catch of living resources of the Zone;
- (n) the proper conservation and management measures to be taken to assure the maintenance of and the optimum utilization of the living and non-living resources of the Zone;
- (o) the fixing and measuring of charges for the taking, storage and maintenance of vessels;
- (p) regulating the sale or disposal of any goods seized or forfeited;
- (q) prescribing the fee to be paid on application for a licence; and
- (r) prescribing anything authorized by this Act to be prescribed.

Modification of laws

22. The enactments specified in the first column of the Appendix are amended as specified in relation to them respectively, in the second column of the Appendix.

SCHEDULE

The Beach Control Act

The Customs Act

The Dangerous Drugs Act

The Fishing Industry Act

The Jamaica National Heritage Trust Act

The Harbours Act

The Marine Board Act

The Minerals (Vesting) Act

The Mining Act

The Petroleum Act

The Public Health Act

The Quarantine Act

The Wildlife Protection Act

APPENDIX

Enactments

Amendments

The Beach Control Act

Section 7 (1) Delete from sub-paragraph (ii) of paragraph (b) the words "or the Pilotage Act" and substitute therefor the words "the Pilotage Act, or the Exclusive Economic Zone Act".

Section 9 (a). in subsection (2) delete the word "The" and substitute therefor the words "Subject to subsection (2A) the".

(b). insert immediately after subsection (2) the following as subsection (2A):

" (2A) Any licence affecting the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Fishing Industry Act

Insert immediately after the Heading "General" the

following as section 23A:

"23A - Any licence granted under section 5 or 11 in relation to the exclusive economic zone shall be subject to the

provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Jamaica National
Heritage Trust Act

Section 2

(a) In subsection (1):

(i) delete the numeral "(1)";

(ii) delete from paragraph (a) of the definition of "national monument" the words from "an area" to the word "island" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 12 (6)

Delete the words from "any area" to the word "jurisdiction" inclusive, and substitute therefor the words "within the exclusive economic zone".

The Mining Act

- Section 18
- (a) In subsection (1) delete the word "The" and substitute therefor the words and figure "Subject to subsection (1A) the".
 - (b) Insert immediately after subsection (1) the following as subsection (1A):
" (1A) Any licence granted under subsection (1) in respect of mining in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."
 - (c) Delete subsection (5) and substitute therefor the following:
" (5) A prospecting right shall be produced:
 - (a) whenever demanded by the owner or occupier of land on which the holder is prospecting, or by a constable; or
 - (b) whenever demanded by the Commissioner or by a Marine Officer under the Exclusive Economic Zone Act when the holder thereof is prospecting in the exclusive economic zone."
- Section 21 (3)
- Delete the words "exceeding eight square miles" and substitute therefor the words "of land exceeding eight square miles or in respect of any part of the exclusive economic zone exceeding twenty-four thousand square miles".
- Section 33 (3)
- Insert after the word "land" the words "or to the Commissioner in respect of that part of the exclusive economic zone."
- Section 35
- Renumber the section subsection (1) and insert next thereafter the following as subsection (2) -
- " (2) Subject to the provisions of this Act, a mining lessee shall have, in the exclusive economic zone and included in his lease, the right to construct any artificial island, installation or structure and the right to operate, maintain and use such artificial island, installation or structure."
- Section 70
- (a) Delete the fullstop appearing at the end of the section and substitute therefor a semi-colon.
 - (b) Insert immediately after paragraph (b) the following as paragraph (c):
"(c) in the case of a mining lease for mining in the exclusive economic zone, to the Permanent Secretary in the Ministry of Foreign Affairs who shall record such lease."

The Petroleum Act

- Section 3
- (a) Delete from subsection (1):
 - (i) the numeral "(1)";

(ii) the words from "any other area" to the word "Jamaica" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 4

(a) Delete the word "No" and substitute therefor the words and figure "Subject to subsection (2), no".

(b) Renumber the section as subsection (1).

(c) Insert immediately after subsection (1) the following as subsection (2):

" (2) Any exploration or development of petroleum resources or the acquisition of any right, title, interest or estate in any petroleum in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."

Section 28

Delete paragraph (b) and substitute therefor the following:

"(b) the exclusive economic zone;"

The Public Health Act

Section 7(1)

(a) Reletter paragraph "(s)" as paragraph "(t)".

(b) Insert immediately after paragraph (r) the following as paragraph (s) -

"(s) the sanitation and inspection of sanitation facilities on artificial islands, installations and structures within the exclusive economic zone".

The Quarantine Act

Section 8 (2)

(a) Delete the fullstop appearing at the end of the subsection and substitute therefor a semi-colon.

(b) Insert next after paragraph (e) the following as paragraph (f):

"(f) the sanitation of artificial islands, installations and structures in the exclusive economic zone."

The Wildlife Protection Act

Section 8A

Insert next after section 8 the following as section 8A:

8A. Any person who hunts any animal or bird in or takes any eggs from the exclusive economic zone without a licence issued under this Act shall be guilty of an offence against this Act."

Enactments

Amendments

The Wreck and Salvage Law

Section 2

Delete -

- Section 3
- (a) Delete the definitions of "Commissioner" and "person";
 - (b) Insert immediately after the definition of "ship" the following definition:
"waters of this Island' means the internal waters, the territorial sea and the exclusive economic zone of Jamaica;";
 - (c) Delete from the definition of "wreck" the words "any tidal water" and substitute therefor the words "the waters of this Island".
- Section 5
- Delete:
- (a) the words "at any place or near the coast of this Island, or any cay or island being a Dependency thereof," and substitute therefor the words "in any part of the waters of this Island";
 - (b) the words "within which such place is situated" and substitute therefor the words "nearest to such part";
 - (c) the word "place" where it appears for the third time and substitute therefor the word "part".
- Section 12
- Delete:
- (a) the words "on the coasts of this Island or of any of the Islands and Cays within the territories thereof," and substitute therefor the words "in the waters of this Island";
 - (b) the word "Law" and substitute therefor the word "Act";
 - (c) from the margin thereof the word and numerals "Cap. 236".
- Section 14
- Delete the words "or any of the Islands and Cays aforesaid".
- Section 15
- Delete and substitute therefor the following:
- "15. Section 14 shall apply to wreck found or taken possession of outside the limits of this Island and brought within the limits of this Island as it applies to wreck found or taken in possession of within the limits of this Island."
- Section 17
- Delete the word "place" where it first appears and substitute therefor the words "part of the waters of this Island".
- Section 20
- Delete:
- (a) the words "or of any Dependency thereof";
 - (b) the words "or by the Commissioner, as the case may be,";
 - (c) the words "or the Commissioner".
- Section 21
- Delete the words-

- (a) "Treasury of this Island" and substitute therefor the words "Consolidated Fund";
 - (b) "or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept,";
 - (c) "or the Commissioner".
- Section 22
- (a) Delete the words "or of any of the Islands and Cays being Dependencies thereof".
 - (b) Delete the words "or any of the Islands and Cays as aforesaid".
- Section 23
- Delete the words "Treasury of this Island or of such Dependency as aforesaid" and substitute therefor the words "Consolidated Fund".
- Section 24
- Delete the words "territories thereof".
- Section 26
- (a) Delete the words "or the Dependencies thereof".
 - (b) Delete the words "at or near the place" wherever they appear and substitute therefor, in each case, the words "at a place nearest to that part of the waters of the Island".
 - (c) Delete the words "High Court" wherever they appear and substitute therefor, in each case, the words "Supreme Court".
- Section 32
- (a) Delete the words "or any of the islands and cays as aforesaid".
 - (b) Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 34 (2)
- Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 38
- (a) Delete the words "at any place" and substitute therefor the words "in any part of the waters of Jamaica".
 - (b) Delete the words "or the Commissioner".
 - (c) Delete the words "Treasury of this Island or of the Dependency in which such wreck was found (as the case may be)" and substitute therefor the words "Consolidated Fund".
 - (d) Delete the words "or Commissioner".
- Section 39
- (a) Delete the words "on or near the coasts" and substitute therefor "in any part of the waters".
 - (b) Delete the words "or of any of the cays or islands being Dependencies thereof".

- (c) Delete the words "on or near such coasts," and substitute therefor the words "in any part of such waters".
- (d) Delete the words "or of any of the territories thereof".
- Section 41 (a) Delete the words "or such territories thereof respectively".
- (b) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 42 (a) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
- (b) Delete the words "such Collector-General is to" and substitute therefor the words "such Commissioner shall".
- (c) Delete from the marginal note the word "Collector-General" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 43 (1) Delete the words "on or near the shore of this Island, or of any of the islands or cays aforesaid," and substitute therefor the words "in any part of the waters of this Island".
- Section 44 Delete the words "on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof" and substitute therefor the words "in any part of the waters of this Island".

MEMORANDUM OF OBJECTS AND REASONS

The concept of an Exclusive Economic Zone evolved as a result of the claims of certain States consequent on rapid technological advances in the mining of offshore mineral resources. This Zone sought to encompass, beyond the existing twelve miles territorial sea, an additional one hundred and eighty-eight miles from the seaward limit of the territorial sea.

Jamaica, as a participant of conferences dealing with the Law of the Sea, has accepted that there is a need to protect the marine environment in such a Zone.

Jamaica, having adopted the Convention on the Law of the Sea, now seeks, in the protection of her marine resources, to enact legislation to give effect to this and also to adhere to the provisions relating to an Exclusive Economic Zone contained in the Convention.

Consequently this Bill seeks to:

- (a) establish an Exclusive Economic Zone;
- (b) make provision for the manner in which exploration of and exploitation for the resources of the Zone may be carried out;
- (c) prescribe penalties for any breaches of the Act;
- (d) permit the making of regulations in relation to activities in the zone; and

- (e) make consequential amendments to other Acts.

David Coore,
Minister of Foreign Affairs and Foreign Trade

A BILL
Entitled

An Act to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

SECTIONS 7 AND 9 OF THE BEACH CONTROL ACT
WHICH IT IS PROPOSED TO AMEND

7. (1) Notwithstanding anything to the contrary in this Act, the Minister may, upon the recommendation of the Authority, make an order declaring
- (a) ...
- (b) such activities as may be specified in the order to be prohibited activities in the area defined in the order, being any or all of the following activities:
- (i) ...
- (ii) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Act, the Marine Board Act, the Wrecks and Salvage Law, or the Pilotage Act;

...

9. (1) ...
- (2) The Minister may, if he thinks fit, grant to any person applying therefor, in such form and subject to such conditions as he may think fit, a licence to erect, construct or maintain any dock, wharf, pier or jetty or any structure, apparatus or equipment as aforesaid.

SECTIONS 2 AND 12 OF THE JAMAICA NATIONAL HERITAGE TRUST ACT
WHICH IT IS PROPOSED TO AMEND

2. (1) In this Act unless the context otherwise requires-
- ...
- "national monument" means:
- (a) any building, structure, object or other work of man or of nature or any part or remains thereof whether above or below the surface of the land or the floor of the sea within the territorial waters of the Island or within an area declared in an order made under subsection (2) to be within the maritime resource jurisdiction of the Island;

...

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the sovereign jurisdiction of Jamaica for the purposes of this Act.

(3) Nothing in subsection (2) shall be construed as limiting in any way the sovereign rights of Jamaica under general international law including the United Nations Convention on the Law of the Sea.

12. (1) ...

(6) In this section and in sections 19 and 20 "structure" includes any building, structure, object or other work of man or nature whether above or below the surface of the land or the floor of the sea within the territorial waters of the island, or any area declared in any order made under section 2(2) to be within the maritime resource jurisdiction, and any site, cave or excavation.

SECTIONS 18, 21, 33 AND 70 OF THE MINING ACT
WHICH IT IS PROPOSED TO AMEND

18. (1) The Commissioner may, in his absolute discretion on application in the prescribed form and upon the payment of the prescribed fee, grant to any individual a prospecting right in the prescribed form:

Provided that a prospecting right shall not be granted:

...

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of land on which the holder thereof is prospecting, or by any constable.

21. (1) ...

(3) A licence shall not be granted in respect of any area exceeding eight square miles.

...

33. (1) ...

(3) The Minister may require an applicant for a mining lease to satisfy him that he possesses or commands sufficient working capital to ensure the proper development and carrying on of mining operations on the area applied for, and for the payment of any compensation which may be payable to the owners or occupiers of the land in respect of which the lease is required, and may require any reports on the area made by prospectors or engineer to be submitted for his information; and in the event of the applicant failing so to satisfy the Minister, the Minister may refuse the application but the applicant may make a new application at any time.

...

70. The Commissioner shall forward a copy of every mining lease and water right, and of any instrument transferring, renewing, creating or determining such lease or water right to any interest therein, which is registered in his office and of any order made under section 59 -

(a) in the case of land under the Registration of Titles Act, to the Registrar of Titles who shall register such lease or water right in accordance with the provisions of that Act;

(b) in the case of land not under that Act to the Deputy Keeper of the Records who shall record such lease or

water right.

**SECTIONS 3, 4 AND 28 OF THE PETROLEUM ACT
WHICH IT IS PROPOSED TO AMEND**

3. (1) There is hereby vested in the Crown all petroleum existing in its natural state in strata in Jamaica including the bed and subsoil of its territorial sea, its continental shelf and any other area declared under this section to be within the maritime resource jurisdiction of Jamaica.

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the maritime resource jurisdiction of Jamaica for the purposes of this Act.

(3) Every order made under this section shall be subject to affirmative resolution.

4. No person shall, except in accordance with the provisions of this Act and any regulations made thereunder:

(a) explore or develop petroleum resources; or

(b) acquire any right, title, interest or estate in any petroleum, which is vested by section 3 in the Crown.

28. The laws of Jamaica extend:

(a) ...

(b) to any other area for the time being declared under section 3 to be within the maritime resource jurisdiction of Jamaica; and

(c) to all artificial islands and other structures built on the areas mentioned in paragraphs (a) and (b), and any vessels stationed over those areas, for the purpose of exploring for or developing petroleum resources or removing or transporting therefrom any petroleum or petroleum product,

to the same extent as if the continental shelf and those areas, islands, structures or vessels (hereinafter referred to as the maritime extensions) were located in Jamaica; and for the purposes of the jurisdiction of any court in Jamaica any such maritime extension shall be treated as if it were located in the parish in which proceedings are brought.

**SECTION 8 OF THE QUARANTINE ACT
WHICH IT IS PROPOSED TO AMEND**

8. (1) ...

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purpose therein set forth, make provision for all or any of the following matter, that is to say -

(a) regulating the granting or withdrawal of pratique;

...

(e) fixing the charges sanctioned by regulations in force by virtue of section 7 and providing for their incidence.

...

**SECTIONS 2 AND 3 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND**

2. This Law extends to this Island of Jamaica, the Cayman Island and other the Cays and Islands on this Island depending, but shall not extend or relate to the Turks and Caicos Islands.

3. In this Law-

"Commissioner" means the Commissioner or other officer administering the local Government in any Dependency of Jamaica;

...

"person" includes body corporate;

...

"wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

**SECTION 5 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND**

5. When any ship or boat is stranded or in distress at any place on or near the coast of this Island, or of any cay or island being Dependency thereof, the Receiver of the district within which such place is situated shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and any person who wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

**SECTION 12 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND**

12. Any Receiver, or in his absence any Justice, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of this Island or of any of the Islands and Cays within the territories thereof, or any other person who may be able to give any account of such ship or of the cargo or stores thereof, as to the following matters, that is to say-

(a) the name and description of the ship;

...

and such Receiver or Justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Minister, and the other to the office of the nearest Collector of Customs, and such last mentioned copy shall by such Collector be placed in some conspicuous situation for the inspection of persons desirous of examining same; and, for the purposes of such examination, every such Receiver or Justice as aforesaid shall have all the powers given by the Marine Board Law to Inspectors appointed thereunder.

SECTIONS 14 AND 15 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

14. The following rules shall be observed by any person finding or taking possession of wreck within this Island or any of the Islands and Cays aforesaid, that is to say:

...

15. The preceding section shall apply to wreck found or taken possession of outside the limits of this Island or any of the Islands or Cays referred to in the said section, and brought within the limits of this Island or any of the said Islands or Cays, as it applies to wreck found or taken possession of within the limits of this Island or any of the said Islands or Cays.

SECTION 17 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

17. Every Receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds but not otherwise, transmit a similar description to the Minister, and a copy thereof shall be posted in some conspicuous place for the inspection of all persons desirous of examining the same.

SECTIONS 20, 21, 22, 23 AND 24 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

20. Whenever any dispute arises in any part of this Island or of any Dependency thereof as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Minister, or by the Commissioner, as the case may be, and the decision of the Minister or the Commissioner shall be final.

21. All fees received by any Receiver appointed under this Law, in respect of any services performed by him as Receiver, shall be paid into the Treasury of this Island or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of this Law, in such manner as the Minister or the Commissioner directs.

22. In the following cases, that is to say:

whenever any ship or boat is stranded or otherwise

in distress on or near the coasts of this Island, or of any of the Islands and Cays being Dependencies thereof, and services are rendered by any person:

- (a) in assisting such ship or boat;
- (b) in saving the lives of the persons belonging to such ship or boat;
- (c) in saving the cargo or apparel of such ship or boat, or any portion thereof;

and whenever any wreck is saved by any person other than a Receiver within this Island or any of the Islands and Cays as aforesaid,

there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage, and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives. The Minister may in his discretion award to the salvours of such life or lives out of the Treasury of this Island or of such Dependency as aforesaid, such sum or sums as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

24. All the provisions in this Law contained in regard to the salvage of life from any ship or boat within the limits of this Island and the territories thereof shall be extended to the salvage of life from any ship registered at and trading with this Island, or from any boat belonging to any such ship, wheresoever the services may have been rendered, and from any foreign ship or boat where the services have been rendered either wholly or in part in the waters of this Island.

SECTION 26 OF THE WRECK AND SALVAGE LAW **WHICH IT IS PROPOSED TO AMEND**

26. Whenever any dispute with respect to salvage arises within this Island or the Dependencies thereof between the owners of any such ship, boat, cargo, apparel or wreck as aforesaid, or between the agent of such owners, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise;

then, if the sum claimed does not exceed two hundred pounds, or if the value of the property saved does not exceed one thousand pounds;

such dispute shall be referred to the arbitration of a Resident Magistrate, or of any two Justices resident as follows, that is to say:

in case of wreck, resident at or near the place where such wreck is found;

in case of services rendered to any ship or boat, or to the persons, cargo or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in this Island into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises;

but if the sum claimed exceeds two hundred pounds,

such dispute may, with the consent of the parties, be referred to the arbitration of such Resident Magistrate or Justices as aforesaid, but if they do not consent shall be decided by the high Court; subject to this proviso, that if the claimants in such dispute do not recover in such High Court a greater sum than two hundred pounds they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any costs, charges or expenses incurred by them in the prosecution of their claim;

and every dispute with respect to salvage may be heard and adjudicated upon the application either of the salvor or

of the owner of the property salvaged, or of their respective agents. It shall be lawful for the Minister from time to time to determine a scale of costs to be awarded in salvage cases by any such Resident Magistrate or Justice as aforesaid.

SECTION 32 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

32. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in this Island, or any of the islands and cays as aforesaid, has been finally ascertained either by agreement or by the award of such Resident Magistrate or Justices or such umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds it shall be lawful for the party liable to pay the amount so due to apply to the Receiver of the district for liberty to pay the amount so ascertained to him, and he shall if he thinks fit receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds then the High Court may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose if it thinks fit appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

SECTION 34 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

34. Whenever any salvage is due to any person under this Law the Receiver shall act as follows, that is to say:

- (1) ...
- (2) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained,

he shall detain such wreck until payment is made, or process has been issued in manner aforesaid;

but it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful for the High Court to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the Receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property salvaged, or their respective agents, to institute proceedings in the said Court for the purpose of having the question arising between them adjudicated upon, and the said Court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Court.

SECTION 38 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

38. If no owner establishes his claim to wreck found at any place before the expiration of a year from the date at which the same has come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting from the proceeds thereof his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Minister or the Commissioner may in each case or by any general rule determine, pay the residue into the Treasury of this Island or of the Dependency in

which such wreck was found (as the case may be) in such manner as the Minister or Commissioner may direct, and shall be disposed of under order of the Minister in accordance with the Law for the time being in force regulating the disposal of droits of Admiralty.

SECTION 39 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

39. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Island or of any of the cays or islands being Dependencies thereof, or belonging to or forming part of the cargo of any such ship, are found on or near such coasts, or are brought into any port in this Island or of any of the territories thereof, the Consular Officer of the country to which such ship, or in the case of cargo to which the owners of such cargo, may have belonged shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

SECTIONS 41, 42, 43 AND 44 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

41. All wreck being foreign goods brought or coming into this Island or any of the harbours thereof shall be subject to the same duties as if the same were imported into this Island or such territories thereof respectively, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Collector-General of this Island may upon investigation determine.

42. The Collector-General of this Island may permit all goods, wares and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination or elsewhere, and all goods, wares and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to their port at which the same were shipped; but such Collector-General is to take security for the due protection of the revenue in respect of such goods, wares and merchandise.

43. Every person who does any of the following acts, that is to say:

(1) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of this Island, or of any of the islands or cays aforesaid, or any part of the cargo or apparel thereof, or any wreck; or

...

44. If any person takes into any foreign port or place any ship or boat stranded, derelict or otherwise in distress on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof, or any part of the cargo or apparel of any such ship or boat, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to imprisonment with hard labour for a term not exceeding four years.