DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
OFFICE OF LEGAL AFFAIRS

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

Table recapitulating the status of the Convention and of the related Agreements, as at 30 November 2006[1]

	(in force as from 16 November 1994)	(in force as from 28 July 1996)	(in force as from 11 December 2001)

Italicized text indicates non- members of the United Nations;

(in force as from 16 November 1994)

	(in force as from 16 November 1994)		(in force as from 28 July 1996)		(in force as from 11 December 2001)
Italicized text indicates non- members of the United Nations; Shaded row indicates landlocked States	Signature (- declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (- declaration)	Signature	Ratification; formal confirmation (fc); accession(a); definitive	

(in force as from 16 November 1994) (in force as from 28 July 1996)

	(in force as from 16 November 1994)		(in force as from 28 July 1996)		(in force as from 11 December 2001)	
Italicized text indicates non- members of the United Nations; Shaded row indicates landlocked States	Signature (- declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (- declaration)	Signature	Ratification; formal confirmation (fc); accession(a); definitive signature (ds); consent to be bound (p);[2] simplified procedure (sp); [3]	Signature (- declaration or statement)	Ratification; accession(a) [4] (- declaration)
Sweden		25 June 1996		25 June 1996		19 December 2003
Switzerland						

	(in force as from
Italicized text indicates non- members of the United Nations; Shaded row indicates landlocked States	Signature (- declaration)
Viet Nam	
Yemen	
Zambia	
Zimbabwe	
	157 (35)

1. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2006

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Gambia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania (30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 Apr.T1 2833. Cape Verde (10 August 1987)
34. São Tomé and Príncipe (3 November 1987)
35. Cyprus (12 December 1988)
36. Brazil (22 December 1988)

88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatema4 6.2874 .1(9)6)

36. Yugoslavia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)

(c) Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)

2. Declarations by States

Estonia

Declaration made upon accession to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

"1. As a member state of the European Community, the Republic of Estonia has transferred competence in certain matters governed by the Convention to the European Community according to the declaration made by the European Community on April 1, 1998 while acceding to the United Nations Convention on the Law of the Sea.

2. Pursuant to Article 287, paragraph 1 of the Convention the Republic of Estonia chooses the International Tribunal for the Law of the Sea established in accordance with Annex VI and the International Court of Justice as means for the settlement of disputes concerning the interpretation or application of this Convention."

China

Declaration under article 298

25 August 2006

"The Government of the People's Republic of China does not accept any of the procedures provided for in Section 2 of Part XV of the Convention with respect to all the categories of disputes referred to in paragraph 1 (a) (b) and (c) of Article 298 of the Convention."

Belarus

Declaration made upon ratification of the United Nations Convention on the Law of the Sea

"1. In accordance with article 287 of the Convention, the Republic of Belarus accepts as the basic means for the settlement of disputes concerning the interpretation or application of the Convention an arbitral tribunal constituted in accordance with Annex VII. For the settlement of disputes concerning fisheries, protection and preservation of the marine environment, marine scientific research or navigation, including pollution from vessels and by dumping, the Republic of Belarus will use a special arbitral tribunal constituted in accordance with Annex VIII. The Republic of Belarus recognizes the jurisdiction of the International Tribunal for the Law of the Sea over questions concerning the prompt release of detained vessels or their crews, as envisaged in article 292 of the Convention; 2. In accordance with article 298 of the Convention, the Republic of Belarus does not accept compulsory procedures entailing binding decisions for the consideration of disputes concerning military activities, including by government vessels and aircraft engaged in non-commercial service, or disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction, or disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations. "

Montenegro

Declaration confirmed upon succession to the United Nations Convention on the Law of the Sea

"1. Proceeding from the right that State Parties have on the basis of article 310 of the United Nations Convention on the Law of the Sea, the [Government of Montenegro] considers that a coastal State may, by its laws and regulations, subject the passage of foreign warships to the requirement of previous notification to the respective coastal State and limit the number of ships simultaneously passing, on the basis of the international customary law and in compliance with the right of innocent passage (articles 17-32 of the Convention).

2. The [Government of Montenegro] also considers that it may, on the basis of article 38, para.1, and article 45, para. 1 (a) of the Convention, determine by its laws and regulations which of the straits used for international navigation in the territorial sea of [Montenegro] will retain the regime of innocent passage, as appropriate.

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (article 33) do not provide rules on the delimitation of the contiguous zone between States with opposite or adjacent coasts, the [Government of Montenegro] considers that the principles of the customary international law, codified in article 24, para. 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the Parties to the United Nations Convention on the Law of the Sea."

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

National Legislation

1. Slovenia

Maritime Code (PZ), 2001[1]

Article 838

This part of the Act shall govern the process of the execution of judgements in civil matters and the insurance of claims on ships, on parts thereof and on ships under construction.

Where specific provisions are not given in this Act, the provisions of the Execution of Judgments in Civil Matters and Insurance of Claims Act shall apply *mutatis mutandis*.

The court with subject-matter jurisdiction in Koper shall decide on the proposal for and the process of the execution of judgements and insurance of claims on ships.

The court mentioned in the preceding paragraph shall also have jurisdiction in matters of the execution of judgements and insurance of claims on cargo on board ships subjected to the execution process.

Article 839

A court of the Republic of Slovenia shall have jurisdiction in matters of the execution of judgements and insurance of claims on ships in the territorial sea and internal waters of the Republic of Slovenia.

A court of the Republic of Slovenia shall also have jurisdiction in matters of the execution of judgements and insurance of claims on ships that are not in the territorial sea of the Republic of Slovenia if the register of ships in which such ships are entered is kept in the Republic of Slovenia.

Notwithstanding the provisions of the first paragraph of this Article, a court of the Republic of Slovenia shall not have jurisdiction in matters of the execution of judgements and insurance of claims on foreign military vessels and public carriers.

Article 840

The object of the process of execution of judgements or insurance of claims may not be:

1. a Slovenian military vessel and a ship indispensable for the performance of the tasks of the State or a local community;

2. a ship which is indispensable to the debtor for the performance of a public service;

3. a foreign ship enjoying the innocent passage through the territorial sea of the Republic of Slovenia;

4. a foreign ship which makes a halt in the territorial sea or ports of the Republic of Slovenia because of *force majeure* or navigational needs until the end of the *force majeure* or navigational needs.

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[1] Original: Slovenian. English translation provided by Slovenia. Text transmitted through notes verbales dated 24 and 27 February 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General of the United Nations. Parts I to IV of the Maritime Code were published in *Law of the Sea Bulletin* 60 and Parts V to VII were published in *Bulletin* 61. The Maritime Code was further amended by the Act amending the Maritime Code (PZ-C) of 26 April 2006. This Act will be published as soon as available, in one of the next issues of the *Law of the Sea Bulletin.*

A ship described in points 3 and 4 of the preceding paragraph may be the subject of the execution process or insurance if the reasons for that process are claims that have occurred during its transit through or stay in the territory of the Republic of Slovenia.

Article 841

A ship owned by a debtor who engages in an economic activity may not be subjected to the execution process if the ship is indispensable for the performance of that activity.

A ship referred to in the preceding paragraph shall not be exempt from the execution process if the process is undertaken to repay claims against a loan with which the ship was bought or a claim secured by a lien on that ship.

A ship referred to in the first paragraph of this Article shall not be exempt from the execution process if the process is undertaken to repay the following claims:

1. against damage caused by the collision of the ship being subjected to the execution process, or

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2. the document testifying to the existence of mortgages, property encumbrances and pre-emptive rights recorded in the register of ships and data about the known maritime liens of the ship subjected to the execution process.

If the ship being subjected to the execution process is a Slovenian vessel, an extract from the register of ships proving that the debtor has the right of ownership of the ship shall be enclosed with the proposal; if the ship is not entered in the register of ships, the document proving that the ship being subjected to the execution process is in the possession of one or more debtors shall be enclosed with the proposal.

If, at the time the proposal for sale is submitted, a foreign ship for which an execution process is requested has already been stopped, a certified copy of the document providing evidence, in accordance with the law of that foreign country, on the ownership and country of domicile of the ship, as well as the translation of the document into the language in official use at the court shall be enclosed in the proposal for execution of a judgement.

If, at the time the proposal for sale is submitted, a foreign ship for which an execution process is requested has not yet been stopped, the creditor shall be obliged to prove the probability that the ship is owned by the debtor.

After a foreign ship subjected to an execution of a judgement by sale has been stopped, the court shall call on the creditor to submit the documents referred to in the third paragraph of this Article within three days.

If the creditor does not abide by the preceding paragraph, the court shall issue a decision to discontinue the execution procedure.

Article 847

If the ship for which execution by sale is requested is entered in the register of ships and the person entered in the register of ships as the owner of the ship is a person other than the debtor, the creditor shall submit to the court the appropriate documents for the entry of the ownership right of the debtor in the register of ships.

If the creditor does not have the documents mentioned in the preceding paragraph, the right to have the

The provisions of the preceding paragraphs shall not encroach upon the rights and duties of the parties stemming from the contract of affreightment.

Article 856

Passengers must disembark with their baggage from the ship being subjected to the execution process.

Notwithstanding the preceding paragraph, the court shall, at the proposal of the debtor, allow the passengers and their baggage to remain on board if the creditor or the guard do not object thereto and if the debtor makes an advance payment for the passengers' catering expenses.

The provisions of the preceding paragraphs shall not encroach upon the rights and duties of the parties stemming from the contract of passage.

Article 857

The costs incurred due to the execution, guarding and maintenance of the ship shall be paid in advance by the creditor.

The court may order the creditor to make the necessary advance payment for expenses relating to execution.

If the creditor does not make an advance payment within the time limit set by the court, the court shall issue a decision to discontinue the execution process.

Article 858

Complaints against the decisions referred to in Articles 852, 853, 854 and 855 of this Act shall not delay their application.

Article 859

In the event of particularly valid reasons, the court may, at the proposal of an interested person and upon hearing the parties and creditors known to have a lien or a property encumbrance on the ship, allow the ship to make one or more voyages during the execution process.

At the proposal of the creditor whose claim is secured by lien or at the proposal of the debtor, in agreement with the creditor who proposed the execution of a judgement, the court may rule that a higher amount be taken as the lowest acceptable bid.

Article 871

Unless the court, at the proposal of the parties, rules otherwise, the buyer shall be bound to prove, within 15 days of the award being delivered, that he has deposited with the court the purchase price for the ship awarded to him.

The buyer shall not be required to deposit in cash the purchase price or a part thereof if the creditors whose claims are secured by lien on the ship agree that the buyer shall assume those debts.

If the buyer has met all obligations under the terms of sale, the cash which he has deposited with the court as a security deposit may be used towards the purchase price.

Article 872

The risks for the ship sold shall pass to the buyer on the day the ship is finally awarded to him. As of that day, the buyer shall also assume all encumbrances connected with the ownership rights to the ship.

The awarded ship shall be delivered to the buyer, together with its appurtenances, and the ownership rights of the buyer shall be recorded only after he has fulfilled all the conditions of the sale.

Article 873

After the decision determining the value of the ship has become final and the terms of sale have been determined, the court shall announce the sale. In the announcement, the court shall indicate the method of sale and, in the event of an auction, the place and the time thereof.

The time period between the first announcement and the day of sale may not be less than 15 days or more than 30 days.

The sale may not take place before the decision on execution and the decision determining the terms of the sale become final.

Article 874

The announcement of the sale shall contain:

1. the name or marking of the ship and appurtenances put up for sale, and the value of the ship being subjected to the execution process;

2. the name or company, place of residence or registered office and citizenship of the parties;

3. the day of the sale and, in t(h)4.g n p,.3(p)v6.314 Tnhd,f3(e 6(n)4..314 6.3(daauch)4.g i)4.g o..314 4.9(d,-2.3(ta)4.9(e sm0)vs

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t: : o ox0.4( )u:n6.4(pa)r817(8(ocs; .3(70)c)7(o0.1(7)5.6)6.4(be)6.1(t)vi.5(:)ew.4(e)6.1(td0.4( )-a)1(t)6.0( )-64(t)12.3(9)h0.4( )).1(t)c oc

The provisions of the preceding paragraph may also be applied when a Slovenian ship is being sold to pay debts to foreign creditors and when foreign persons attend a public auction as creditors.

At the request of a foreign mortgagee, the court shall be bound by law to allow the ship to be sold in foreign currency if the amount of the secured claim as entered in the register of ships is expressed in foreign currency.

Article 883

A bidder shall be bound by his bid until a higher bid is made (Article 884 of this Act).

Article 884

The court shall invite those present to make bids only after a lapse of half an hour from the time fixed for the beginning of the sale session.

The public auction shall go on for as long as higher bids are made.

If a bidder so requests, the court shall allow a brief time for reflection.

The public auction shall end if, five minutes after the second call, no higher bid has been made. The court shall specifically warn those present thereof.

Before closing the sale, the court shall once again announce the last bid and then declare the sale concluded.

Article 885

After the sale has been concluded, the court shall call on those present to immediately lodge any objections against the award at the same sale session.

Objections against the award to the best bidder may be lodged only for the following reasons:

1. if less than 15 days have elapsed between the day of the announcement and the sale (Article 866 of this Act);

2. if the announcement of the sale session was not made or published in the correct manner;

3. if not all those whom the court is bound to notify of the sale session were informed thereof;

4. if the sale continued although a decision to discontinue the procedure had been issued;

5. if the provisions of this law relating to public auctions were violated during the auction;

same sale session and shall deliver it to the persons referred to in the first paragraph of Article 868 of this Act and other participants in the sale.

The court shall, within eight days, post the decision on the award on the notice board of the court and shall enter it in the register of ships. The consequence of the note made in the register shall be that later entries in the register of ships will create rights against the previous owner of the ship only if the decision on the award is annulled. In the published decision, the court shall cite the highest offered price and the deadline for entering a superbid, with an indication of the lowest amount thereof.

Those whom the court was bound to notify of the sale session shall be entitled to demand that the decision referred to in the preceding paragraph be published at their expense in the Official Journal of the Republic of Slovenia, or made public in some other way.

Article 889

In the event of the private sale of a ship, the court shall deliver a decision on the award of the ship to the

Article 893

If the court rejects the award for reasons other than those referred to in the preceding Article and if there are no irregularities that might make a resumption of the procedure unlawful, the court shall schedule a new sale session or a new deadline for private sale *ex officio*.

The sale on the basis of the first paragraph of the preceding Article and the first paragraph of this Article shall be carried out according to the previously defined conditions.

Article 894

After the decision on the award has become final, the court shall return the security deposit to the highest bidder or to a buyer in a private sale.

Article 895

After the decision on the award of the ship becomes final, the court shall order, at the proposal of the buyer, the rightful claimant of the cargo or his temporary representative, that the cargo be unloaded, and/or at the proposal of the buyer, that the passengers disembark with their baggage.

The advance money for the expenses relating to unloading referred to in the first paragraph of this Article shall be deposited, at the request of the court, by the person who requests the unloading, unless the terms of sale stipulate otherwise.

If the person who had been the shipowner before the ship was sold, or his representative, object to the delivery of the cargo to the rightful claimant for the free disposal thereof, the court shall order that the cargo be placed in a public warehouse or some other suitable place at the expense of the shipowner.

The provisions of the first, second and third paragraphs of this Article shall not encroach upon the rights

Article 899

If the price achieved in the new sale is lower than that achieved in the previous sale, the buyer who is in arrears with the purchase price shall be bound to cover the difference in price, the costs of the new sale, as well as any damages caused by his delay in payment, by making use of his security deposit, part of the purchase money deposited in advance and any other assets and/or property he owns.

The court shall decide *ex officio* on the payment of the difference in price, the costs and the damage cited in the preceding paragraph.

Article 903

The creditor in whose favour the permission for sale was entered in the register of ships may, within 15 days of the final decision to discontinue the execution, propose that the court order that a lien on a ship subjected to the execution process be recorded in favour of his claim in the order of precedence of the aforesaid entry.

The fact that the debtor has meanwhile alienated or encumbered the ship subjected to the execution process shall not prevent the recording of the lien in the register of ships.

The proposal referred to in the first paragraph of this Article shall not be granted if the sale was discontinued because the execution was not permissible at all, because the executory title was annulled, changed or abolished, because the claim on account of which the execution was undertaken had been settled, or because it

Article 907

The creditors shall be paid out of the distributable assets in the following order of precedence:

1. privileged creditors;

2. mortgage creditors;

3. other creditors.

The determination, within individual payment classes, of the order of precedence for creditors under points 1 and 2 of the preceding paragraph shall be subject to the provisions of this Act relating to maritime liens and mortgages on ships.

The expenses incurred during the sale procedure shall be settled before the division of the purchase price and before the claims of lien creditors.

Article 908

The order of precedence applying to the principal shall also apply to that interest on the principal which, on the day of the award, was less than three years overdue, and to the expenses incurred by civil and executive actions to enforce such claims.

part thereof may demand the payment of the amount equivalent to his claim. If there are no such creditors, the payment may be requested by the debtor.

Article 919

If lien creditors claiming payment from the purchase price cannot be paid in full, the court shall, at the proposal of one of them or of the creditor who proposed the execution, order those to whose debts a maritime lien or a mortgage extends to deposit the amounts due with the court within a fixed time limit, if this is necessary to compensate the proposer and those with liens of a higher order of precedence.

The proposal referred to in the preceding paragraph shall be made during the execution procedure, at the hearing for the distribution of the purchase price at the latest.

The consequence of the orders issued to debtors of the debtor under the first paragraph of this Article is that no payment to a debtor or another person which would contravene the court decision shall have a legal effect against lien creditors.

If the amounts referred to in the first paragraph of this Article are not deposited by the deadline fixed by the court, the court shall, at the proposal of the creditor to whom the payment refers, act in accordance with the provisions on the enforcement of pecuniary claims and, in so doing, shall determine the claims and the amounts thereof pertaining to individual lien creditors.

Article 920

Execution by sale of parts of a ship shall be subject to the provisions of this Act relating to sale, with the following exceptions:

1. the stoppage of a ship may be authorised only if the execution requested is for the parts of ship whose value exceeds half of the value of the entire ship subjected to the execution process and/or if the creditor who proposed the execution proves the probability that without the stoppage the collection of the claim would be impossible, or made much more difficult;

2. if more than half the ship is subjected to the execution process, the creditor who proposed the execution may demand that the whole ship be sold and that his claim be paid from that part of the purchase price alone which relates to the share of the debtor;

3. each co-owner of a ship subjected to the execution process shall have the right, before the opening of the sale session, to settle the claim, together with accessory claims, of the creditor who proposed the execution, and thereby to take his place;

4. in respect to the award of the ship subjected to the execution process, the co-owners shall, all other conditions being equal, take priority over other participants in the auction;

5. if several co-owners offer the same terms of sale, the court shall award them equal shares of the part of the ship being sold.

Article 921

Upon the conclusion of the hearing for the distribution of the purchase money, the court shall render a decision on the payment of creditors and other persons enforcing their right to payment, taking into consideration the situation as it derives from the register of ships, the documents of the execution process and the hearing for the distribution of the purchase price.

In the decision on the distribution of the purchase price, the court shall rule on the objections enforced by individual creditors and other participants in the execution process, if the objections refer to a question of law.

If the decision on an objection depends on the determination of disputed facts, the court shall instruct

The provision of the third paragraph of this Article shall not impinge on the right of the person who contested a particular claim but did not start a civil suit within the set time period to start legal action against the person whose claim he contested.

Article 922

The decision in the dispute on objections of creditors raised during the procedure for the distribution of purchase money shall have effect against all creditors and rightful claimants to whom the distribution refers, as well as against the debtor.

Article 923

After the decision on the distribution of the purchase price becomes final, the court shall order that all the registered rights and encumbrances on the sold ship be removed from the register of ships, except for those which remain after the sale.

Article 924

After the decision on the distribution of the purchase price becomes final, the court shall deliver to individual creditors the amounts payable in cash, provided no civil suit or administrative procedure against them is pending and the deadline for bringing a lawsuit or starting an administrative procedure has expired unsuccessfully.

The court shall issue the necessary orders in respect of the amounts which, under a court ruling, should be placed with a bank as a savings deposit, unless the persons to whom these amounts or the interest thereon are destined agree otherwise.

If the decision on the distribution of the purchase price cannot be enforced because a civil suit or administrative procedure is pending, the amount relating to that part of the decision shall be placed and kept at a bank as a savings deposit until the decision on the distribution of the purchase price becomes final.

Article 925

Provisions of Articles 847, 849, 855 and 856 of this Act shall apply *mutatis mutandis* to the execution procedure for the delivery of a ship entered in the Slovenian register of ships.

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Article 929

Article 937

A creditor may request the securing of pecuniary claims by the preliminary entry of a lien as a preliminary order based on a Slovenian court decision that has not yet become final or enforceable, or on a judicial settlement whose term for a voluntary execution of an action has not expired, if he makes it probable that without that security the recovery of his claim would be rendered impossible or much more difficult.

Article 938

The securing, under the preceding Article, on ships entered in the register of ships shall be made by a preliminary entry in the register of ships in which the ship is entered.

The securing, under the preceding Article, on ships not entered in the register of ships shall be made by the seizure of the ship.

Article 939

In a decision by which it issues a preliminary order as per Article 937 of this Act, the court shall specify *inter alia* the amount of the claims secured, together with the interest and costs, and the duration of that security.

If the deadline referred to in the preceding paragraph expires before the decision or judicial settlement

At the request relating to ownership rights, co-ownership rights and lien on a ship, only the ship to which that particular request refers may be stopped.

Article 949

Where the temporary order of stoppage and/or custody is issued in order to secure a pecuniary claim,

Article 956

When authorising a ban on the alienation, encumbering or disposal of a ship, the court shall, at the same time, order the entry of a temporary order in the register of ships.

When finally cancelling the temporary order referred to in the preceding paragraph, or when such an order has lost its effect in law, the court shall order the removal of the entry referred to in the preceding paragraph.

Article 957

In securing the pecuniary and non-monetary claims of creditors against the person entitled to dispose of the cargo on the ship, the court may authorise a temporary order to unload the cargo and place it in a public warehouse or some other suitable place, if the person who requests the temporary order pays the shipowner the full amount of the outstanding freight and reimburses him all the costs incurred and not included in the freight.

If the unloading of the cargo under the preceding paragraph is carried out in a port in which, under the contract of carriage, it should not have been unloaded, the court shall authorise the temporary order solely on condition that the cargo be unloaded without any risk to the ship and the remaining cargo, that the unloading causes no delay in the departure of the ship or interference with the navigation timetable, that no damage is done to other persons entitled to dispose of the cargo, and that there are no other convincing reasons that make unloading unacceptable.

Article 958

In the procedure for issuing a temporary order of stoppage of a ship directly encumbered with a maritime claim or a claim on account of sea pollution, the interlocutory order shall be served on the master of the ship in question. If the shipmaster refuses to accept it, delivery of the order shall be effected by pasting the order on the hull of the ship against which it is issued, on the notice board of the Maritime Directorate of the Republic of Slovenia and on the notice board of the court.

Article 959

On receiving an objection from the debtor against the decision issuing the temporary order to stop a ship, the court shall, without delay, schedule a hearing to consider the facts and evidence on the basis of which the interlocutory order was issued.

If evidence in a foreign language is not submitted in the form of a certified translation, a sworn court interpreter, who is hired and whose expenses are paid by the submitter of evidence, shall perform the interpreting at the hearing.

Upon completion of the hearing, the judge shall deliver a decision forthwith.

In cases referred to in the second paragraph of this Article, the law of the place where individual acts were or should have been performed shall apply to the way in which the secondary rights and duties of the contractual parties are exercised (loading or delivery of cargo, calculation of the time for demurrage and exceptional demurrage, method of payment of freight, etc.).

Article 967

If it is impossible to apply the law the parties have chosen for a salvage agreement to the entire contract or a relationship arising therefrom, or if the parties have not explicitly indicated which law should apply and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case, the law with which they have the closest relation shall apply.

Unless the specific circumstances of a particular case command the application of some other law, it shall be considered that the closest relation is with the law of the country in whose port the salvage was completed or with the law of the first port in which the ship arrived after salvage.

In all other instances, the provisions of this Act shall apply.

Article 968

Notwithstanding the provisions of the preceding Article, the following shall apply:

1. the provisions of this Act - in cases where only persons and not ships and goods on board were salvaged and all such persons were citizens of the Republic of Slovenia, and in cases where the rescue ship or salvaged ship or one of several ships involved is a Slovenian military vessel or public ship;

2. the provisions of the first and second paragraphs of Article 627, Articles 759 to 765, and Articles 770 and 773 of this Act;

3. the provisions of the statute of limitations relating to the limitations for claims and provision of this Act relating to the statutes of limitations (Article 774 of this Act);

4. the law of the country of nationality of the salvage ship - to the division of the reward for salvage between the owner or shipowner of the salvage ship and its crew.

Any agreement signed contrary to the preceding paragraph shall be null and void.

Article 969

The following shall apply to the recovery of damage caused by the collision of ships:

1. the law of the country in whose territorial sea or internal waters the collision occurred;

2. the provisions of this Act - if the collision occurred on the high seas.

Notwithstanding the preceding paragraph, the following shall apply for the recovery of damage caused by collision of ships:

1. where all the ships that collided are of the same nationality - the law of that country;

2. where the ships which collided are of different nationalities and the law of all those countries is identical - the law of those countries.

Article 970

Notwithstanding the provisions of the preceding paragraph which refer to the application of a foreign law, the following shall apply:

1. the provisions of this Act - if all the persons concerned are citizens of the Republic of Slovenia or Slovenian legal entities, or if one of the ships involved in the collision is a Slovenian military vessel or publicly owned ship;

2. the provisions of the second paragraph of Article 745, the first paragraph of Article 746, and Articles 747 to 752 of this Act;

3. the provisions of the law governing the statute of limitations relating to the limitations for claims and provision of this Act relating to the statutes of limitations (Article 754 of this Act).

Any agreement signed contrary to the preceding paragraph shall be null and void.

Article 971

If it is impossible in the event of a general average to apply the law the parties have chosen to the entire contract or a relationship arising therefrom, or if the parties have not explicitly indicated which law should apply and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case, the law of the port of unloading of the last part of the cargo that was on board the ship at the time of the general average shall apply.

If all the parties to a general average are citizens of the Republic of Slovenia or Slovenian legal entities, Slovenian law shall apply to the instances referred to in the preceding paragraph.

Article 972

If it is impossible in the case of the contract for the building, conversion or repair of ships to apply the law the parties have chosen to the entire contract or a relationship arising therefrom, or if the parties have not explicitly indicated which law should apply and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case, the law with which they have the closest relation shall apply to the contract or contractual relationship.

Unless the specific circumstances of a particular case command the application of some other law, it shall be considered that the closest relationship is with the law of the country in which the shipyard is situated.

Article 973

The law of the registered office of the insurance company shall apply to a marine insurance contract and the relations arising therefrom, if:

1. the parties have not explicitly indicated which law should apply to the contract and their intentions as to the application of a particular law cannot be ascertained from the circumstances of the case;

2. the law which the parties have chosen cannot be applied to a particular part of the contract or a legal relationship arising from the contract, but only insofar as that part of the contract or that legal relationship is concerned.

Notwithstanding the preceding paragraph, Slovenian law shall apply to relations arising from a marine insurance contract if all the persons concerned are citizens of the Republic of Slovenia with permanent residence in

Article 976

A legal person shall be fined an amount between SIT 800 000 and SIT 9 000 000 for the following offences:

1. if it does not organise monitoring of the implementation of tasks related to the safety of navigation (point 1 of Article 25 of this Act);

2. if it does not effect continual monitoring of the safety of navigation (point 2 of Article 25 of this Act);

3. if a ship does not, upon the order of the competent authority, immediately head for the location of the fire and/or accident (Article 68);

4. if an action which might endanger the safety of people or vessels, pollute the sea or damage the shore or navigation safety facilities and installations or an action which violating the regulations on order in ports and in other parts of the territorial sea and internal waters is carried out (Article 69);

5. if it does not abide by the order of the competent body concerning the removal from the sea lanes of a damaged, stranded or submerged vessel which obstructs or endangers navigational safety (Article 75).

The responsible person of the legal person which commits an offence mentioned in the preceding paragraph shall be fined an amount between SIT 100 000 and SIT 500 000.

The individual responsible for the offence referred to in points 4 or 5 of the first paragraph of this Article shall be fined an amount between SIT 70 000 and SIT 100 000.

Article 977

A legal person shall be fined an amount between SIT 750 000 and SIT 8,500 000 for the following offences:

1. if it does not manage the obligatory information of importance for the safety of navigation (point 3 of Article 25);

2. if it does not manage documents and gather information on seafarers on board vessels, their experience, training, medical fitness and abilities to perform their assigned duties and work on ships (point 4 of Article 25);

3. if it does not organise the operation of the port in such a way as to guarantee safe navigation (Article 41).

The responsible person of the legal person which commits an offence under the preceding paragraph shall be fined an amount between SIT 75 000 and SIT 400 000.

Article 978

A legal person shall be fined an amount between SIT 500 000 000 and SIT 6 000 000 000 000 for the following offences:

1. if a person operating a vessel or performing other work in connection with safety of navigation is under the influence of alcohol, drugs, psychoactive medicines or other psychoactive substances (Article 63);

2. if a company performing embarkation, transhipment or disembarkation of oils or other liquid chemicals does not implement the safety measures necessary to prevent pollution of the sea or the spread of spilt liquids into the sea (Article 71);

3. if a ship, boat and other floating objects navigating in the coastal waters do not observe the regulation on the minimum distance of vessels from the shore (Article 77);

4. if pilotage is performed in contravention of the provisions of Article 78;

5. if it does not request, immediately upon the arrival of the ship at the first Slovenian port, the measuring of a Slovenian ship which had been built, purchased or converted abroad for a Slovenian client and was not measured abroad according to the provisions of this Act (Article 111);

6. if it does not request the measuring of a Slovenian ship built in a Slovenian or foreign shipyard immediately after the hull, decks and bulkheads have been fitted (Article 112);

7. if it does not request a repeat measurement of a Slovenian ship before the end of a conversion which changes its gross or net tonnage or maximum displacement or dead-weight, or does not request it upon the arrival of

the ship at the first Slovenian port in the event of the ship being converted abroad, and its measurement abroad was not performed according to the provisions of this Act (third and fourth paragraphs of Article 113);

8. if it delivers a ship for navigation or has it navigating without any of the ship documents or logbooks prescribed by this Act (Articles 118,

Article 980

A crew member shall be fined at least SIT 80 000 for violating the rules of his duty prescribed by this Act

6. if he fails to inform the competent body if a crew member who is a citizen of the Republic of Slovenia abandons ship abroad in an unauthorised manner (first paragraph of Article 176);

7. if he does not, in the manner and by the deadline specified, record in the logbook the events, acts and measures which he is obliged to record (first paragraph of Article 166; second paragraph of Article 167; second paragraph of Article 172; second paragraph of Article 174; fifth paragraph of Article 175; third paragraph of Article 176);

8. if he does not record in the logbook the reasons why he did not set out to rescue people in distress and initiate the rescue of these people or the reasons why he did not salvage the ship or goods on board that ship (second paragraph of Article 179 and third paragraph of Article 180);

9. if, while being in a position to do so, he did not inform the ship with which his ship had collided of the name of the last port from which his ship put to sea and the name of the port for which it was bound (second paragraph of Article 753).

Article 983

A member of a ship's crew shall be fined at least SIT 60 000 for an offence if he discharges into the sea lane objects or substances which may obstruct or endanger navigational safety or pollute the sea or shore (Article 76).

Article 984

A legal entity shall be fined at least SIT 400 000 for the following offences:

1. if he permits the use of a boat that has no navigation licence (Article 142);

2. if he permits an untrained person to operate a boat;

3. if he permits the use of a boat that has not been entered in the register of boats (Article 218).

An individual sole trader who commits an offence mentioned in the preceding paragraph shall be fined at least SIT 200 000 on the spot.

The responsible person of the legal person who commits an offence mentioned in the preceding paragraph of this Article shall be fined with a fine of SIT 40 000 on the spot.

Article 985

A fine of at least SIT 40 000 shall be imposed on individuals for the following offences:

1. if they refuse a test by means, devices or an expert examination to establish whether they are under the

protection and safety measures for the prohibition of navigation and deprivation of the navigational license for the duration of two years may be passed.

A natural person who caused the accident and failed to provide the data to the other participant for the enforcement of compensation and other claims, or who left the site of the accident before the arrival of the competent body, except in cases where staying would hinder safety of navigation or in order to rescue or to provide assistance, shall be fined in the same manner.

Article 989

A fine of at least SIT 5 000 shall be imposed on individuals operating a boat for offences whereby:

1. they do not have a valid document on the entry of the boat in the register of boats or a navigational licence (third paragraph of Article 141);

2. during navigation by boat, they do not have a valid document on their qualifications to operate a boat (Article 144);

3. the boat does not have a marking (Article 204).

Article 990

Papers issued on the basis of the Maritime and Inland Waterways Navigation Act before this Act enters into force shall apply under the conditions and for the period laid down by regulations in force until now, but for -4..002 foEopp9(-4.5(n)r)]

– Rules on ranks, conditions for acquiring ranks, and powers of crew members on inland navigational ships of the merchant marine of the SFRY (Official Journal of the SFRY, Nos. 32/82, 30/83, 30/87),

– Rules on ranks, conditions for acquiring ranks, and powers of crew members on inland navigational ships of the merchant marine of the SFRY (Official Journal of the Republic of Slovenia, Nos. 33/98, 65/99),

– Order on compulsory coastal pilotage at specific sections of the coastal waters of the SFRY (Official Journal of the SFRY, No. 22/88),

– Rules on trial voyages of ships (Official Journal of the SFRY, No. 22/88),

– Ordinance on safety devices for engine-room hatchways on the freeboard deck of tankers of the merchant marine of the Federal People's Republic of Yugoslavia (Official Journal of the FPRY, No. 45/57),

– Ordinance on the use of covers and movable beams on hawsers or exposed parts of the main and upper decks on ships of the merchant marine of the FPRY (Official Journal of the FPRY, No. 39/59),

– Ordinance on the closure of measurement openings on ships of the Yugoslav merchant marine (Official Journal of the SFRY, No. 25/69),

– Rules on determining the stability of passenger ships of the merchant marine of the FPRY (Official Journal of the FPRY, No. 31/59),

– Decision on the temporary determination of organisations for the performance of professional work regarding safety and capabilities of the ship and navigational objects (Official Journal of the Republic of Slovenia, No. 16/96),

– Decision on the temporary determination of organisations for the performance of professional technical work in the area of maritime safety and inland navigation (Official Journal of the Republic of Slovenia, No. 37/95),

– Decision on the determination of organisations for the performance of professional technical work for the determination of fulfilment of conditions for marketing recreational vessels (Official Journal of the Republic of Slovenia, No. 2/99),

– Decision on the temporary determination of organisations for the performance of professional work regarding safety and capabilities of fishing ships and boats for navigation and fishing (Official Journal of the Republic of Slovenia, No. 76/99),

– Rules on the records compiled by the shipmaster on the birth, death or last will and testament on a merchant marine ship (Official Journal of the Republic of Slovenia, No. 17/80),

– Rules on the composition of examination commissions and professional examinations for the acquisition of the title of seaman (Official Journal of the Republic of Slovenia, Nos. 33/98, 87/99),

– Instructions for keeping trainees' record books and for a training programme carried out on board merchant ships (Official Journal of the Republic of Slovenia, No. 33/98),

– Rules on boats and floating objects (Official Journal of the Republic of Slovenia, Nos. 13/89, 90/98, 100/00)

– Order on the amount of expenses for the determination of seaworthiness of boats and their measuring, and the amount of expenses for the performance of examinations for boat operators and tests for the operation of boats (Official Journal of the Republic of Slovenia, No. 5/92),

– Order on the determination of organisations for the performance of inspections of boats for inland navigation (Official Journal of the Republic of Slovenia, No. 9/91-I),

– Rules on the order in ports and other areas of coastal sea (Official Journal of the Republic of Slovenia, Nos. 14/89, 16/94),

– Rules on professional qualifications, number of years in navigation, professional examination and manner of passing the professional examination for a pilot of coastal pilotage (Official Journal of the SFRY, No. 20/67),

– Instructions for sea-pilot identity cards (Official Journal of the SFRY, No. 46/65),

– Order on the marking of piloted ships and call signs for piloting (Official Journal of the SFRY, No. 49/65),

– Order on the maximum allowed draft of the ship for navigation in pool III of the Port of Koper (Official Journal of the Republic of Slovenia, No. 11/98),

– Order on the fee for the use of navigation safety facilities on sea lanes (Official Journal of the Republic of Slovenia, Nos. 73/98, 77/98 – correction, 26/00, 1/01),

Article 992

On the day this Act enters into force, the following shall cease to be in force:

– Article 103 of the Courts Act, insofar as it has a bearing on the keeping of registers of ships (Official Journal of the Republic of Slovenia, Nos. 19/94, 45/95, 38/99);

– the Maritime and Inland Waterways Navigation Safety Act (Official Journal of the Republic of Slovenia, No. 17/88), insofar as it has a bearing on navigation;

– the Ports Act (Official Journal of the SRS, Nos. 7/77, 21/78, 29/86);

– the Maritime and Inland Waterways Navigation Act (Official Journal of the SFRY, Nos. 22/77, 13/82, 30/85, 80/89, 29/90), insofar as it has a bearing on sea navigation;

– the Act on the coastal waters and continental shelf of the SFRY (Official Journal of the SFRY, No. 49/87);

– the Act on the Yugoslav Register of Ships (Official Journal of the SFRY, No. 6/89);

– Institution for the Maintenance of Sea Lanes Act (Official Journal of the SFRY, Nos. 50/74, 22/77, 17/81).

Article 993

Relations created before the entry into force of this Act shall be governed by the regulations or legal rules in force at the time of their creation.

Article 994

Operators of existing ports must, within the period of six months of the day the regulation mentioned in Article 39 of this Act enters into force, lodge with the Maritime Directorate of the Republic of Slovenia an application for the issuing of a permit for opening a port to public traffic (operating licence).

Article 995

The Government and individual ministers shall issue regulations foreseen by this Act within the period of one year of the day of entry into force of this Act.

Article 996

Procedures for entering in the register of ships in respect of which no final decision has been adopted by the day when this Act enters into force shall continue to be

Article 999

This Act shall enter into force 30 days after its publication in the Official Journal of the Republic of Slovenia.

No. 326-04/94-6/5
Ljubljana, 23 March 2001.

President of the National Assembly of the Republic of Slovenia
Borut Pahor,
[signed]

2. Mauritius

Maritime Zone Act 2005[1]
Act No. 2 of 2005

I assent

SIR ANEROOD JUGNAUTH
President of the Republic
28th February 2005

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2. Interpretation

PART II- UNCLOS TO HAVE FORCE OF LAW IN MAURITIUS

3. UNCLOS to have force of law in Mauritius

PART III-BASELINES

4. Baselines
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PART IV- TERRITORIAL SEA, INTERNAL WATERS, ARCHIPELAGIC WATERS AND HISTORIC WATERS

6. Legal status of territorial sea and internal, historic and archipelagic waters
7. Territorial sea
8. Limits on exercise of sovereignty in internal waters
9. Limits on exercise of sovereignty in archipelagic waters
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PART V - CONTIGUOUS ZONE

12. Contiguous zone

(f) internal waters;

(g) maritime cultural zone; and

(h) territorial sea;

"nautical mile" means a distance of 1.85200 kilometres;

"outer limit", in relation to a maritime zone, means a geodesic line of the geodetic datum joining the geographical co-ordinates of points on the datum in a clockwise direction;

"territorial sea" means the territorial sea of Mauritius, as defined in section 7;

"UNCLOS" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) Unless otherwise expressly provided, words and expressions defined in UNCLOS and used in this Act shall have the same meaning as in UNCLOS.

PART II - UNCLOS TO HAVE FORCE OF LAW IN MAURITIUS

3. UNCLOS to have force of law in Mauritius

8. Limits on exercise of sovereignty in internal waters

(2) The rights referred to in subsection (1) shall be exclusive in that, if Mauritius does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of Mauritius.

(3) In accordance with Article 80 of UNCLOS, Mauritius has in the continental shelf the exclusive right to construct and to authorize and regulate the construction, operation and use of –

(a) artificial islands;

(b) installations and structures for the purposes provided for in Article 56 of UNCLOS and other economic purposes; and

(c) installations and structures which may interfere with the exercise of the rights of Mauritius in the continental shelf.

(4) Mauritius has exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

20. Exercise of jurisdiction by Mauritius on the continental shelf

(1) To enable Mauritius to exercise the sovereign rights and jurisdiction it has in the continental shelf, there is extended to the continental shelf, to the extent recognised by international law, the law in force in Mauritius.

(2) In particular, the law of Mauritius shall apply to artificial islands, installations and structures on the continental shelf as if they were in the territorial sea.

21. Authority to explore and exploit the continental shelf

(1) The Prime Minister may make regulations to-

(a) provide for the authorisation of persons to explore for natural resources on the continental shelf, or to recover or attempt to recover any such resources, in accordance with such terms and conditions as may be determined by the Prime Minister;

(b) regulate the laying of pipelines or cables in the continental shelf;

(c) provide for the authorisation and regulation of any drilling in the continental shelf; and

(d) regulate the construction, operation and use of –

(i) artificial islands;

(ii) installations and structures for the purposes provided for in Article 77 of UNCLOS; and

(iii) installations and structures which may interfere with the exercise of the rights of Mauritius in the continental shelf.

(2) For the purposes of this Part –

"natural resources" means -

(a) the mineral and other non-living resources of the seabed and subsoil; and

(b) the living organisms belonging to sedentary species;

"sedentary species" means organisms which, at their harvestable stage -

(i) are immobile on or under the seabed; or

(ii) are unable to move except in constant physical contact with the seabed or the subsoil.

PART VIII - MARINE SCIENTIFIC RESEARCH

22. Marine scientific research in the maritime zones

(1) As provided by international law and in particular Article 245 of UNCLOS, Mauritius, in the exercise of its sovereignty, has the exclusive right to regulate, authorise and conduct marine scientific research in its territorial sea.

(2) As provided by international law and in particular Article 246 of UNCLOS, Mauritius, in the exercise of its jurisdiction, has the right to regulate, authorise and conduct marine scientific research in its EEZ and on its continental shelf.

23. Regulation of marine scientific research in the maritime zones

(1) Marine scientific research shall not be conducted in any maritime zone except with the express consent of the Prime Minister and in accordance with such regulations as may be made by the Prime Minister.

(b) in the case of a body corporate, to a fine not exceeding 150,000,000 rupees.

(2) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

(a) a director, manager, secretary or other similar officer of the body corporate; or

(b) person who was purporting to act in any such capacity,

that person specified in paragraph (a) or (b) as well as the body corporate, shall commit an offence and be punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, subsection (2) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

29. Repeal

The following enactments are repealed –

(a) the Maritime Zones Act;

(b) the Continental Shelf Act; and

(c) the Territorial Sea Act.

30. Consequential amendments

(1) The Environment Protection Act 2002 is amended -

(a) in section 49, by deleting the definition of "maritime zone" and replacing it by the following definition-

"maritime zone" has the same meaning as in the Maritime Zones Act.2005;

(b) in section 51 (2), by adding immediately after paragraph (f), the following new paragraph -

(g) the control and prevention of pollution from or through the atmosphere, applicable to the air space under its sovereignty and to vessels flying its flag or vessels or aircraft of its registry .

(2) The Fisheries and Marine Resources Act is amended -

(a) in section 2 -

(i) by deleting the definition of “Mauritius waters" and by inserting the following new definition in its appropriate alphabetical place –

"maritime zone" has the same meaning as in the Maritime Zones Act 2005;

(ii) by deleting the definition of “territorial

(4) The Merchant Shipping Act is amended in section 2, by inserting immediately after the definition of "Superintendent", the following definition -

"territorial waters of Mauritius" includes archipelagic waters;

(5) The National Coast Guard Act is amended in section 2, by deleting the definition of "Maritime Zones" and replacing it by the following new definition -

"maritime zone" has the same meaning as in the Maritime Zones Act 2005;

(6) The Petroleum Act is amended in section 2, by deleting the definition of "territorial sea".

3. Ireland

(a) Sea-Fisheries and Maritime Jurisdiction Act 2006[1]
4 April 2006

ARRANGEMENT OF SECTIONS

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17. Powers of sea-fisheries protection officer related to the inspection, examination and detention of sea-fish, etc.

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Carer's Leave Act 2001	2001, No. 19

Merchant Shipping Acts 1894 to 2005	
Minimum Notice and Terms of Employment Acts 1973 to 2005	
Organisation of Working Time Act 1997	1997, No. 20
Parental Leave Act 1998	1998, No. 30
Patents Act 1992	1992, No. 1
Petty Sessions (Ireland) Act 1851	14 & 15 Vic., c. 93
Prosecution of Offences Act 1974	1974, No. 22
Protection of Employees (Fixed-Term Work) Act 2003	2003, No. 29
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45
Public Offices Fees Act 1879	42 & 43 Vic., c. 58
Radiological Protection Act 1991	1991, No. 9
Redundancy Payments Acts 1967 to 2003	
Sea Pollution Act 1991	1991, No. 27
Sea Pollution Acts 1991 to 1999	
Sea Pollution (Amendment) Act 1999	1999, No. 18
Sea Pollution (Hazardous Substances) (Compensation) Act 2005	2005, No. 9
Taxes Consolidation Act 1997	1997, No. 39
Terms of Employment (Information) Acts 1994 and 2001	
Trawling in Prohibited Areas Prevention Act 1909	9 Edw. 7, c. 8
Unfair Dismissals Acts 1977 to 2005	
Wildlife Act 1976	1976, No. 39

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(5) The Act of 1955 and *100* may be cited together as the Mercantile Marine Acts 1955 and 2006.

(6) The Fishery Harbour Centres Acts 1968 to 2005 and *102* may be cited together as the Fishery Harbour Centres Acts 1968 to 2006.

(7) The Dumping at Sea Acts 1996 and 2004 and *103* may be cited together as the Dumping at Sea Acts 1996 to 2006.

(8) The Maritime Safety Acts 1992 to 2005 and *104* may be cited together as the Maritime Safety Acts 1992 to 2006.

Definitions.

2.—In this Act—

"Act of 1894" means Merchant Shipping Act 1894;

"Act of 1955" means Mercantile Marine Act 1955;

"Act of 2003" means Fisheries (Amendment) Act 2003;

"Community law" means an act adopted by an institution of the European Communities;

"Department" means Department of Communications, Marine and Natural Resources;

"foreign sea-fishing boat" means a sea-fishing boat which is not an Irish sea-fishing boat;

"Irish sea-fishing boat" means a sea-fishing boat which is—

( ) entered in the Register of Fishing Boats,

( ) required by regulations under *76* to be so entered, or

( ) exempt from such registration by regulations under that section;

"Minister" means Minister for Communications, Marine and Natural Resources;

"Principal Act" means Fisheries (Consolidation) Act 1959;

"Register of Fishing Boats" means the register maintained under *74*.

Regulations.

3.—(1) The Minister may make regulations in relation to any matter referred to in *2* as prescribed.

(2) Every regulation made under *2* or section 25 of the Act of 2003 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

Repeals and Revocations.

4.—(1) Each enactment specified in *(2)* of *1* is repealed to the extent specified in *(3)* of that Schedule.

(2) Subject to *78, 85(3), 92(2)* and *97(2)*, every order or regulation or licence, permit or authorisation made or granted under an enactment or a provision of an enactment repealed by *(1)* is revoked.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

PART 2

SEA-FISHERIES

CHAPTER 1

6.—In this Part— Definitions (*2*).

"Act of 1967" means Criminal Procedure Act 1967;

"Act of 1972" means European Communities Act 1972;

"Act of 1994" means Fisheries (Amendment) Act 1994;

"Act of 1999" means Criminal Justice Act 1999;

"common fisheries policy" means the common fisheries policy of the European Communities;

"Community Regulation" means a Regulation of an institution of the European Communities on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy or the matters related thereto, and includes a reference to a Regulation of an institution of the European Communities amending or replacing the Regulation;

"equipment" includes any thing, instrument or machinery (other than fishing gear) used or capable of being used for handling, weighing, transporting, processing or storing fish;

"exclusive fishery limits" means exclusive fishery limits of the State;

"exclusive fishery limits of the State" has the meaning given to it by *88*;

"fish" and "sea-fish" include anadromous and catadromous species and all crustaceans and molluscs found in the sea and the brood and spawn of fish, and references to a fish are to be read as including references to part of that fish;

"fishing effort" and "fishing opportunities" have the meaning assigned to them, respectively, in Council Regulation (EC) No. 2371/2002 of 20 December 2002[1] and any Community regulations made under it on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy;

"fishing gear" includes any net, pot, trap, line, pole, dredge or other apparatus of any kind and any attachment of any kind thereto used or capable of being used for catching fish;

"ICES" means the International Council for the Exploration of the Sea;

[1]OJ No. L358, 31.12.2002, p.59

"master", when used in relation to a sea-fishing boat, means the master, skipper or other person for the time being in charge of the boat;

"net" means an implement comprised mainly of netting wherever found, stored or used for the capture of fish in the sea whether static or towed or hauled or intended to be towed or hauled;

"owner" in relation to a sea-fishing boat, means the person registered as its owner or, if no person is so registered, the person who owns the boat, and includes any part owner, charterer, hirer, manager or operator of the boat;

"prescribed" means prescribed by regulations made by the Minister and "prescribe" is to be read accordingly;

"prosecutor" means the Attorney General and, in lieu of him or her, from the day appointed by an order made under *39*, the Director of Public Prosecutions;

"records" means any logbook, document or any other written or printed material in any form including any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form;

"relevant provision" means

Moville and Louth areas.

Restriction on foreign sea-fishing boats entering exclusive fishery limits.

(ii) international law, or

(iii) any convention, treaty or arrangement for the time being in force between the State and the country to which the boat belongs,

or

( ) any other lawful purpose or purposes.

(2) If a foreign sea-fishing boat enters within the exclusive fishery limits in contravention of *(1)* the master of the boat commits an offence.

Provisions in relation to foreign sea-fishing boats lawfully entering exclusive fishery limits.

9.—(1) If a foreign sea-fishing boat enters within the exclusive fishery limits for—

( ) a purpose or purposes recognised by—

(i) Community law,

(ii) international law, or

(iii) any convention, treaty or arrangement for the time being in force between the State and the country to which the boat belongs,

or

( ) any other lawful purpose or purposes,

then—

(I) the boat must leave the exclusive fishery limits as soon as the purpose for which the boat so entered has been answered, and

(II) any regulations made under *(2)* and for the time being in force shall be duly observed.

(2) The Minister may make regulations in relation to the maintenance of good order amongst foreign sea-fishing boats for the time being within the territorial seas of the State and the persons on board such boats.

(3) If there has been in relation to a foreign sea-fishing boat which has lawfully entered within the exclusive fishery limits or in relation to the persons on board that boat, a contravention (whether by commission or omission) of *(1)*, the master of the boat commits an offence.

Unauthorised fishing while on board foreign sea-fishing boat within exclusive fishery limits.

10.—(1) A person on board a foreign sea-fishing boat shall not fish or attempt to fish while the boat is within the exclusive fishery limits unless he or she is authorised by law to do so.

(2) A person who contravenes *(1)* commits an offence.

( ) such quantities of fish which are more than the catch composition,

permitted by a notice in respect of the area nor land more than that quantity.

(6) The master of an Irish sea-fishing boat shall not, unless permitted by a notice, during the specified period in a notice cause or permit the boat to be used, in a specified area mentioned in the notice, for the trans-shipment of fish specified in the notice or cause or permit such boat to engage in trans-shipment operations at sea.

(7) The master of an Irish sea-fishing boat—

( ) before setting out on a voyage to fish for fish specified in a notice the fishing of which is restricted by the notice, shall, if required by the notice, inform a sea-fisheries protection officer of the expected port at which the fish is intended to be landed from the boat on completion of the voyage,

( ) in a specified area mentioned in a notice before any entry into port or trans-shipment of fish from the boat, shall if required by the notice, inform a sea-fisheries protection officer of the time and location of the entry or trans-shipment, as the case may be, whether inside or outside the State and the quantity of fish concerned, and

( ) shall if required by the notice not land the fish at any port or place, unless on each occasion a sea-fisheries protection officer has given prior approval of the landing.

(8) A notice, specifying the date and time of its issue and the date from which it comes into force, not being a day earlier than the day after its first publication, shall be published, in such manner as the Minister considers appropriate and expedient in the circumstances (including electronic means, whether by electronic-mail, facsimile, the internet, or otherwise, or by publication in a newspaper published and circulating in the State or to organisations the Minister considers representative of the interests of persons engaged in sea-fishing).

(9) Without prejudice to *(8)*, notice of the publication of a notice shall be made by publishing the notice in the *I* .

(10) A copy of the *I* purporting to contain a notice may be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notice.

(11) A copy of a notice, which has endorsed on it a certificate purporting to be signed by an officer of the Department (authorised in that behalf by the Secretary General) stating that the copy is a true copy of the notice may, without proof of signature of that officer, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notice.

(12) The master of an Irish sea-fishing boat who contravenes - *(3)*, *(4)* or *(6)* commits an offence.

(13) Where there is a contravention of *(5)* the master of the Irish sea-fishing boat upon which the contravention occurred commits an offence.

(14) The master of an Irish sea-fishing boat who fails to comply with *(7)* commits an offence.

(15) It is the duty of the master of an Irish sea-fishing boat to keep himself or herself informed of notices relating to fishing from his or her boat.

(16) The Minister may authorise in writing an officer of the Department to issue a notice on his or her behalf.

(17) In this section "notice" means a notice issued under *(1)*.

Management and Regulation of State's fishing opportunities and fishing effort — authorisations.

13.—(1) The Minister may, for the proper and effective management and conservation and rational exploitation of fishing opportunities and fishing effort for Irish sea-fishing boats under the common fisheries policy, at his or her discretion—

( ) upon—

(i) the application from, in such form as the Minister decides, or

(ii) the Minister's own initiative in respect of any person who—

(I) is the owner of an Irish sea-fishing boat which is entered in the Register of Fishing Boats, and

(II) to whom a sea-fishing boat licence has been granted,

and

( ) upon the person giving to the Minister such information as the Minister may reasonably require in relation to the application or the fishing capacity or operation of the boat concerned,

grant to the person an authorisation ("authorisation") in respect of the boat, authorising, subject to this section, the utilisation of the boat's fishing effort for the capture and retention on board of a specified fish stock ("stock") or group of fish stocks ("stocks") from the boat in a specified area mentioned in the authorisation and the landing or trans-shipment of the specified stock or stocks taken in that area during such period as is specified in the authorisation.

(2) The Minister may renew, subject to this section, without application, at his or her discretion, an authorisation for such period as may be stated in the renewed authorisation, where the Minister is satisfied that—

( ) the holder of the authorisation upon its expiration continues to be the owner, charterer or hirer, as the case may be, of the boat

(ii) entered in the Register of Fishing Boats.

(3) Without prejudice to the Minister's discretion to refuse to grant or renew an authorisation, the Minister may refuse to grant or renew an authorisation where the applicant for or holder of an authorisation, as the case may be, has previously had such an authorisation held by him or her revoked.

(4) An authorisation shall not authorise the fishing for a specified stock or stocks in the area, or the divisions, or sub-areas specified in the authorisation, or the landing or trans-shipment of a specified stock or stocks taken on board a boat or caught in that area, or

( ) that may be taken or retained, on board a particular authorised boat in any specified area or part of it, or

( ) in respect of fish so taken or retained, that may be landed or trans-shipped from the boat.

(7) ( ) Conditions under *(5)* or *(6)* may be attached to an authorisation at the time it is granted or at any time while it is in force.

( ) A condition may be altered at any time while the authorisation is in force and further conditions may be added.

( ) Notification of any condition or alteration shall be made in writing (including writing in electronic form) to the holder of the authorisation and to any organisation which the Minister considers to be representative of the holder.

( ) Any condition attached or altered, after the authorisation is granted, comes into force as specified in the notification to the holder of the authorisation, being a period not earlier than 24 hours after the notification is sent.

( ) It is the duty of the holder of the authorisation to inform the master of the sea-fishing boat to which the authorisation relates of any condition or alteration of a condition notified to the holder under this subsection.

(8) The Minister may, as a condition of the authorisation, from time to time, restrict the fishing effort by a particular authorised boat in any specified area or specified time period on any specified stock or stocks or types of fishing gear.

(9) Where an authorised boat is engaged with another authorised boat in pair fishing for a specified stock or stocks in an area specified in an authorisation, the boat may, notwithstanding any restriction under *(6)*, take on board such quantity allowed to the other boat under *(6)( )*, or land or trans-ship the other boat's share of the specified stock or stocks so taken, subject to such conditions as may be specified in the authorisation relating to the other boat.

(10) Any restriction under *(6)* or *(8)* is deemed a condition of the authorisation to which it relates and the holder of the authorisation and the master of the authorised boat concerned shall comply with it.

Regulations to give effect to common fisheries policy.

14.—(1) Without prejudice to the generality of section 3(1) of the Act of 1972, the Minister may by regulations prescribe measures to give effect to any provision either of the treaties governing the European Communities or Community law which authorises any or all of the Member States of the European Communities to restrict, or otherwise regulate in respect of the common fisheries policy in a manner specified in the provision, fishing or fishing gear or equipment or buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish. Such regulations may apply to any or all of the following:

( ) sea-fishing boats within the exclusive fishery limits;

( ) an Irish sea-fishing boat, wherever it may be; and

( ) any person engaged in buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits.

(2) Regulations under this section may, in particular—

( ) prescribe measures such as—

(i) prohibitions of or restrictions on areas or times or methods of fishing or use of fishing boats or fishing gear or equipment on them,

(ii) prohibitions of or restrictions on fishing effort,

(iii) prohibitions of or restrictions on or requirements as regards the equipment of fishing boats or fishing gear, or the use, modification or maintenance or storage thereof or interference therewith,

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( ) include such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations (including provisions repealing, amending or applying, with or without modification, other law, exclusive of this Act).

(3) Where there is a contravention of a regulation under this section—

( ) in relation to a sea-fishing boat or to fishing gear or equipment on board the boat, the master and owner of the boat and the owner of the fishing gear or equipment each commits an offence, or

( ) in relation to fish, the master and owner of the boat concerned and the buyer, handler, weigher, transporter, processor, person storing or documenting and seller of the fish each commits an offence.

(4) In any proceedings for an offence under this section it shall be for the accused to show (as the case may be)—

( ) entitlement to any exemption or relief from any prohibition or restriction or requirement alleged to have been contravened, or

( ) that in the circumstances it was not possible to know or not reasonable to ascertain that a regulation was being contravened.

15.—(1) The Minister may to supplement the common fisheries policy, as he or she thinks proper, by regulations prescribe measures for the purpose of protecting, conserving or allowing the sustainable exploitation of fish or the rational management of fisheries that restrict, or otherwise regulate, fishing or fishing gear or equipment or the buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling of fish. Such regulations may apply to any or all of the following:

( ) fishing boats within the exclusive fishery limits or internal waters;

( ) an Irish sea-fishing boat, wherever it may be;

( ) any person engaged in buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling of fish; and

( ) nets and their usage during any time or season or at any usage durPsage-s we any pc(

(ii) the premises of any person engaged in the business of

(ii) any pier, quay, wharf, jetty, dock or dock premises, seafood factory or processing facility or warehouse referred to in *( )( )*, or

(iii) any ship, boat, railway wagon, lorry, tanker, trailer or other vessel or vehicle referred to in *( )( )*,

to give to him or her such information and to produce to him or her such records within the power or procurement of that person as he or she may reasonably require relating to the common fisheries policy;

( ) to examine and take the documents or records or copies of, or extracts from, such documents or records relating to the common fisheries policy;

( ) take evidence, including photographic evidence or electronically recorded evidence, of anything relating to an offence under this Part which is being committed or suspected of being or having been committed.

(2) When a sea-fisheries protection officer detains in his or her custody under this section any sea-fish or other article, he or she shall, as soon as conveniently may be, take such steps as may be proper to have the person accused of the alleged offence committed in relation to such sea-fish or other article dealt with according to law.

(3) Where a sea-fisheries protection officer detains in his or her custody under this section any sea-fish and the sea-fish is likely to become unfit for human food before the matter can conveniently be dealt with by any courttion ansvsa8g(courttifie420(460(cou-39,du]TJT*[0(can)-310(csignatsed)-310(ofhe

(7) A sea-fisheries protection officer, who is not in uniform, shall if requested by a person affected produce evidence of his or her authority.

(8) A sea-fisheries protection officer when exercising any powers under this section may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of those powers.

(9) In this section "designated officer" means an officer of the Department or such other person designated by the Minister to whom a sea-fisheries protection officer produces sea-fish for the purposes of this section.

Powers of sea-fisheries protection officer relating to fishing boats.

18.—(1) A sea-fisheries protection officer, for the purposes of enforcing the *-F A 2003 , 2006* or a Community Regulation with respect to any sea-fishing boat within a port in the State, the exclusive fishery limits or (subject to Community law or international law) outside those limits, may—

( ) if the boat is underway, order it to be stopped or be

( ) Where—

(i) a person is sent forward for trial or for sentence by a judge of the District Court to a court other than the District Court, charged with an offence under a relevant provision, and

(ii) the boat on which the person committed, or is alleged to have committed, the offence has been detained under *18* or section 26(2)( ) of the Act of 2003,

the judge shall, by order directed to a sea-fisheries protection officer, require the officer—

(I) to detain the boat further at a specified port in the State pending the determination of the case in that other court, and

(II) in the event of an appeal from, or other proceedings in relation to the order of the District Court or of the other court to which the person is sent forward under this paragraph or of any other court to which the case is brought, whether by way of appeal or otherwise, to detain the boat further pending the determination of the appeal or the other proceedings (and any proceedings consequent upon the appeal or the other proceedings) at a specified port in the State.

(2) ( ) Where, in respect of an offence under a relevant provision, an order is made under *20* or *(1)* in relation to a boat, a judge of the District Court may, at his or her discretion, by order directed to a sea-fisheries protection officer, require the boat to be released if security, which in the opinion of the judge is satisfactory, is given for payment, in the event of conviction of the defendant in respect of the offence or in the event of his or her failure to attend before any court when such attendance is required, in relation to the offence or any trials, appeals or other proceedings in relation to the offence, of a sum that, in the opinion of the judge, is sufficient to provide for—

(i) payment of the maximum fine ordered, or which may be ordered, to be paid in respect of the offence,

(ii) the estimated amount of the costs (if any) of any trials, appeals or other proceedings in relation to the offence awarded, or which may be awarded, against the defendant concerned, and

(iii) the estimated value of any forfeitures ordered, or which may be ordered, to be made upon the final determination of any trials, appeals or other proceedings in relation to the offence.

( ) The security provided for in *( )* is in addition to and not in substitution for any other bond or recognisance which the defendant concerned may be required to enter into by the judge of the District Court concerned in relation to any trials, appeals or other proceedings in respect of the offence concerned.

(3) Where an order is made under this section for the detention or release of a boat, the boat shall be detained or released, as the case may be, in accordance with its terms.

Recovery of fine for offence under relevant provision and possession by sea-fisheries protection officer of articles forfeited.

22.—(1) The 25 (may) 320 (be) 31 detained or released, as the case may be, in accordance with its terms.

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23.—(1) Where—

( ) a sea-fisheries protection officer has in exercise of the powers conferred on him or her by *18* or by section 26(2)( ) of the Act of 2003 detained a boat and the persons on board it at a port in the State, and

( ) a person (being one of those persons) is alleged to have

commits an offence and is liable on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 2 months, or to both.

(2) If a person—

( ) obstructs or impedes a sea-fisheries protection officer so as to prevent or to attempt to prevent the officer exercise any of his or her powers under this Part, or

(

Offence — assaulting sea-fisheries protection officer.

Immunity of sea-fisheries protection officer.

CHAPTER 4

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27.—(1) ( ) A person charged with an indictable offence under *C 2* or the Act of 2003 may, with the consent of the prosecutor, elect to be sent forward for trial in the Circuit Court on a plea of not guilty.

( ) In that event, the prosecutor shall cause to be served on the accused person or the solicitor (if any) for that person, within 42 days after the not guilty plea is entered (or such longer period as the District Court may determine under *(2)( )*), any documents that under section 4B or 4C (inserted by section 9 of the Act of 1999) of the Act of 1967 are required to be served and have not already been served and a copy of those documents to be furnished to the District Court.

(2) ( ) The District Court may, on the application of the prosecutor, extend the period within which any documents required under section 4B of the Act of 1967 are to be served, if satisfied that—

(i) there is good reason for doing so, and

(ii) it would be in the interests of justice to do so.

( ) An application may be made and an extension may be granted under *( )* before or after the expiry of—

(i) the period of 42 days mentioned in *(1)*, or

(ii) any extension of that period granted under - *( )*.

( ) Where it refuses to grant an extension, the District Court shall strike out the proceedings against the accused in relation to the offence.

( ) The striking out of proceedings under *( )* does

( ) in the case of a second or subsequent conviction under any provision (other than *8* or *9*) mentioned in a Table, all or any of the following found on the boat to which the offence relates, namely—

(i) any fish unlawfully caught, and

(ii) any fishing gear used in the commission of the offence or to which the offence relates,

are as a statutory consequence of the conviction, forfeited.

Where the Court decides under *( )* not to order the forfeiture of all or any of the above it shall give reasons for not doing so.

(7) ( ) The court may, in addition to any fine and forfeiture which it may impose or is as a statutory consequence of conviction imposed under this section, revoke or suspend, for such period as it sees fit, the sea-fishing boat licence granted in relation to the boat concerned.

( ) A licence revoked or suspended under this subsection shall be delivered as soon as practicable to the licensing authority after it is revoked or suspended.

( ) A person who fails to comply with *( )* commits an offence and is liable on summary conviction to a fine not exceeding €500.

TABLE 1 — Fines - Provisions of *C* *2*

Reference Number	Provision	Fine on conviction on indictment not exceeding amount specified below		
(1)	(2)	(3)		
		Category 1 - sea-fishing boat of less than 12 metres in length overall	Category 2 - sea-fishing boat of 12 metres or more but not exceeding 18 metres in length overall	Category 3 - sea-fishing boat of more than 18 metres in length overall
1.	Section 11, 14 or 15 in so far as it relates to—			
(a)	a contravention relating to fish storage capacity of a sea-fishing boat,	€20,000	€50,000	€100,000
(b)	illegal nets or other equipment, or	€20,000	€40,000	€80,000
(c)	any other contravention or failure of compliance.	€10,000	€20,000	€35,000
2.	Section 8(2), 9(3) or 10(2).	€20,000	€50,000	€75,000
3.	Section 12 or 13.	€10,000	€20,000	€35,000

TABLE 2 — Fines - Provisions of Act of 2003

Reference Number	Provision	Fine on conviction on indictment not exceeding amount specified below		
(1)	(2)	(3)		
		Category 1 - sea-fishing boat of less than 12 metres in length overall	Category 2 - sea-fishing boat of 12 metres or more but not exceeding 18 metres in length overall	Category 3 - sea-fishing boat of more than 18 metres in length overall
1.	Section 4(12) (fishing without or in contravention of sea-fishing boat licence).	€20,000	€50,000	€75,000
2.	Section 25(3) (fishing in contravention of conservation regulations).	€20,000	€50,000	€100,000
3.	Section 27(5) (failure to return to port immediately on order of sea-fisheries protection officer).	€20,000	€50,000	€100,000

Non-obligation of Court to pronounce or record forfeiture where forfeiture falls as a statutory consequence of conviction.

29.—Where a person is convicted by a court of an offence specified in a Table and any fishing gear or fish under *28* is, as a statutory consequence of the conviction, forfeited, then, notwithstanding any rule of law, it is not necessary for the court—

( ) to pronounce the fact of such forfeiture at the time of adjudication, or

( ) to record the fact of such forfeiture in the judge's minute book, the charge sheet or in the order of conviction.

Disposal of forfeitures.

30.—Where any thing which, either as a statutory consequence of conviction or by an order of a court, is forfeited under *28*, is lawfully seized, the Secretary General may direct that such thing shall be sold or otherwise disposed of in such manner as he or she thinks fit for the benefit of the Exchequer.

Forfeiture of proceeds from disposal of illegally-caught fish.

31.—(1) Where it is shown to the satisfaction of the court on the balance of probability that fish were caught in contravention of any law of the State or of Community law or in contravention of any international agreement to which the State is a party, the appropriate market value from disposal of that fish shall be forfeited to the State and may be recovered, in accordance with this section, from—

( ) in the case of an Irish sea-fishing boat, the owner or owners of that boat as recorded in the Register of Fishing Boats if the boat is registered in that register or the holder of the sea-fishing boat licence for the boat concerned, or

( ) in the case of any other sea-fishing boat, the owner or owners of the boat concerned.

(2) A forfeiture under *(1)*—

(

Proof that boat is foreign sea-fishing boat.

Offence by body corporate, etc.

Service of trial documents — persons resident outside State.

which it so appears that the sea-fishing boat was so used or which in the opinion of the court suggests, or tends to suggest, that the boat was so used.

Prosecution of summary offences — *-F A 2003 , 2006.*

38.—(1) Proceedings for an offence under the *-F A 2003 , 2006* (other than a section specified in a Table) may be prosecuted summarily by the Minister.

Prosecution of sea-fisheries offences by DPP and saver.

(2) Notwithstanding anything contained in any other enactment, an offence under the *-F A 2003 , 2006*, other than an offence specified in a Table, may be determined in a summary way

( ) references in section 62 of the Courts of Justice Act 1936 and section 6 of the Courts Act 1964 to the Director are, in so far as those sections apply in relation to the offences referred to in *( )* or to any functions referred to in that paragraph, to be construed as references to the Attorney General.

(5) *(4)* stands repealed upon the commencement of an order made under *(1)*.

(6) In this section—

"Act of 1978" means Fisheries (Amendment) Act 1978;

"Director" means Director of Public Prosecutions.

CHAPTER 5

-F A

40.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Chapter. That order shall be laid before each House of the Oireachtas as soon as may be after it is made.

41.—(1) There shall stand established, on the establishment day, a body to be known in the Irish language as An t-Údarás um Chosaint Iascaigh Mhara, or, in the English language, the Sea-Fisheries Protection Authority, in this Act referred to as the "Authority", to perform the functions assigned to it by or under this Chapter.

(2) The Authority shall be a body corporate with perpetual succession and shall have a seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property.

(3) The Authority shall have all such powers as are necessary for or incidental to the performance of its functions under this Chapter.

42.—Subject to this Chapter, the Authority shall be independent in the exercise of its functions.

43.—(1) The principal functions of the Authority are—

( ) to secure efficient and effective enforcement of sea-fisheries law and food safety law,

( ) to promote compliance with and deter contraventions of sea-fisheries law and food safety law,

( ) to detect contraventions of sea-fisheries law and food

( ) to advise the Minister in relation to policy on effective implementation of sea-fisheries law and food safety law: the Minister shall consider any such advice for the purposes of *C 2*,

( ) to provide assistance and information to the Minister in relation to the remit of the Authority,

( ) to collect and report data in relation to sea-fisheries and food safety as required by the Minister and under Community law,

( ) to represent or assist in the representation of the State at national, Community and international fora as requested by the Minister, and

( ) to engage in any other activities relating to the functions of the Authority as may be approved of by the Minister.

(2) The Authority, subject to the approval of the Minister given with the consent of the Minister for Finance, may—

( ) for the purpose of carrying out its functions under - *(1)* make arrangements with or enter into agreements including Service Level Agreements or contracts with the Minister for Defence or, with the consent of the Minister for Defence, the Naval Service and the Air Corps of the Permanent Defence Forces, in respect of those functions for which they were responsible immediately before the establishment day or other functions of the Authority as may be appropriate,

( ) enter into agreements or make arrangements with any other Minister of the Government, or any other person, for that other Minister or person to perform on behalf of the Authority (with or without payment) any of its functions,

( ) enter into agreements or make arrangements with any other Minister of the Government or the Food Safety Authority of Ireland for the Authority to perform on behalf of that Minister or that other Authority (with or without payment) such functions as may appropriately be performed by it in connection with its functions under this Chapter.

Transfer of functions.

44.—(1) The administration and business in connection with the performance of any of the functions transferred by *(2)* are transferred, on the establishment day, to the Authority.

(2) The functions vested in the Minister or Secretary General by or under—

( ) sections 28(3) and 33(3) of the Radiological Protection Act 1991,

( ) *16(1), 17(9), 30, 31(5)* and *38*, and

( ) the regulations mentioned in *3*,

are, on the establishment day, transferred to the Authority.

(3) The Minister shall consult the Authority before making regulations under subsection (1), or an order under subsection (2), of section 32 of the Radiological Protection Act 1991.

(4) The Authority is an official agency, in lieu of the Minister, in respect of the enforcement of food safety law, for the purposes of the Food Safety Authority of Ireland Act 1998.

(5) Anything commenced before the establishment day by or under the authority of the Minister may, in so far as it relates to functions transferred by this section, be carried on or completed on or after that day by the Authority.

(6) Where, immediately before the establishment day, any legal proceedings are pending to which the Minister is the plaintiff or the prosecutor and the proceedings have reference to functions transferred by this section to the Authority, the name of the Authority shall, in so far as the proceedings relate to any functions transferred by this section, be substituted in those proceedings for that of the

(3) A member of the Authority (other than as provided for in *(2)( )*) shall be appointed by the Minister.

(4) A member of the Authority shall be appointed to hold office in a full-time capacity for a period of not less than 3 years and not more than 7 years on such terms and conditions, including remuneration, as the Minister, with the consent of the Minister for Finance, may fix.

(5) Where there is more than one member of the Authority, the Minister shall appoint one of them to be chairperson of the Authority on such terms and conditions, including remuneration, as the Minister may fix, with the consent of the Minister for Finance, to hold office in a full-time capacity for a period of not less than 3 years and not more than 7 years.

(6) The chairperson of the Authority shall have a casting vote in the case of decisions to be taken by the Authority in the event of a tied vote.

(7) Where the chairperson of the Authority is unavailable to perform his or her duties, he or she, or if he or she is unable to do so, the Minister, shall appoint a member of the Authority to be an acting chairperson to assume the duties of the chairperson for a defined period not exceeding 12 months.

(8) With the exception of the person appointed under *(2)( )*, a person shall not be appointed as a member of the Authority unless the Public Appointments Service, after holding a competition on behalf of the Authority, has selected him or her for appointment as a member.

(9) With the exception of the person appointed under *(2)( )*, a member of the Authority, including the chairperson, whose term of office expires by effluxion of time shall be eligible for re-appointment to serve a second term, subject to a limit of serving not more than 14 years on the Authority.

(10) A member of the Authority may—

( ) at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon the date of receipt of the letter, whichever is the later, and

( ) be removed from office by the Minister if, in his or her opinion, the member has become incapable through ill-health of effectively performing his or her duties or for stated misbehaviour and the Minister shall cause to be laid before each House of the Oireachtas a statement of the reasons for such removal.

(11) The Authority may act notwithstanding a vacancy or vacancies in its membership.

(12) A member of the Authority shall not hold any other office or employment in respect of which emoluments are payable.

(13) A member of the Authority shall not, for a period of two years following his or her resignation, removal or retirement from the office of member of the Authority, accept any office, consultancy

or employment, where he or she could or might use or disclose information of a confidential or commercially sensitive nature acquired by him or her in the exercise of the functions of the Authority.

(14) Notwithstanding *(13)*, a person who was a member of the Authority shall not be precluded from holding office or engagement in any employment in the Civil Service or any statutory regulatory body or from acting as a consultant to the Authority, the Minister or any other Minister of the Government on the basis that the period referred to in that subsection has not expired.

Consultative Committee.

48.—(1) The Minister shall, for the purposes of consultations and liaison with the sea-fisheries and seafood sectors and other relevant interests on matters relating to the functions of the Authority, establish a body to be known in the Irish language as An Coiste Sainchomhairleach um Chosaint Iascaigh Mhara or, in the English language, the Sea-Fisheries Protection Consultative Committee (referred to in this Chapter as the "Consultative Committee") and appoint the members of the Consultative Committee.

(2) The Consultative Committee shall have the following functions—

( ) to inform the Authority of concerns and views of the sea-fisheries and seafood sectors regarding the functions of the Authority,

( ) to seek to keep the sea-fisheries and seafood sectors generally informed of the applicable sea-fisheries law and food safety law, as well as of the standards, guidelines, practices and procedures operated by the Authority in relation to the enforcement of that law,

( ) to advise the Authority on keeping the burden on the sea-fisheries and seafood sectors generally of compliance with that law to the minimum possible consistent with the essential purposes and the effective enforcement of that law,

( ) to advise the Authority of its views on the fairness and consistency of the operations of the Authority,

( ) to seek the delivery of a high standard of service by the Authority.

(3) The Consultative Committee shall have no function in relation to detailed operational matters or individual cases or groups of cases with which the Authority is or may be concerned.

(4) The Minister or the Authority may consult the Consultative Committee on any matters arising in relation to the functions of the Authority.

(5) The Consultative Committee shall consist of not more than 14 members comprising—

( ) representatives of the following sectors:

(i) sea-fishing catching;

(ii) inshore fishing;

(iii) seafood processing;

(iv) aquaculture;

and

( ) other persons with particular expertise or experience in relation to marine matters (including marine environment and marine research) of relevance to the functions of the Authority.

(6) A member may resign from office by written notice given to the Minister and the resignation shall take effect on the date specified in the notice or on the date on which the Minister receives the notice whichever is the later.

(7) The Consultative Committee may act notwithstanding a vacancy or vacancies in its membership.

(8) The Minister may appoint a person to fill a casual vacancy which arises in the membership of the Consultative Committee due to the death, resignation or removal of a member and the person so appointed shall be appointed in the same manner as the member who occasioned the casual vacancy.

(9) The Minister in appointing members of the Consultative Com-

( ) a member of the Authority or a member of the staff of the Authority,

( ) a person authorised by the Authority under *51(2)( )*,

( ) a person engaged by the Authority under *53*, or

( ) a person made available to the Authority under *61*,

arising from a failure to perform or to comply with any of the functions conferred or obligations imposed on the Authority by or under this Chapter.

Membership of House of Oireachtas, European Parliament and local authorities.

55.—(1) Where a member of the Authority—

( ) accepts nomination as a member of Seanad Éireann,

( ) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament,

( ) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy, or

( ) becomes a member of a local authority,

( ) any connected relative has a beneficial interest in, or material to, such a matter.

(3) In *(2)*, "connected relative" means, in relation to a person to whom that subsection applies, the person's spouse or part-

Disclosure of confidential information.

( ) In expressing information to be confidential, the Authority shall have regard to the requirement to protect information of a confidential commercial nature.

(5) Nothing in *(1)* shall prevent the disclosure of information in a report made by or on behalf of the Authority to the Minister.

(6) The Third Schedule to the Freedom of Information Act 1997 is amended by the insertion in Part I at the end thereof—0(They)-hold (tinforficfidenti50(to)-440(the)2f6
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62.—(1) In each financial year there shall be paid to the Authority out of moneys provided by the Oireachtas a grant of such amount as the Minister, with the consent of the Minister for Finance and after consultation with the Authority in relation to its likely work programme and expenditure for the financial year (and after taking into account any other resources including monies available to the Authority), may sanction towards the expenses of the Authority in the due performance of its functions.

(2) In determining the grant payable to the Authority under - *(1)*, the Minister shall have regard to the obligations of the State under the common fisheries policy or other international agreement in so far as the due performance of the functions of the Authority is concerned.

63.—(1) Subject to *(2)*, for the purpose of meeting expenses properly incurred by the Authority in the due performance of its functions under this Chapter, the Authority, with the consent of the Minister and the Minister for Finance, may make regulations imposing fees to be paid by such classes of persons as may be specified by the Authority in the regulations.

(2) Regulations under *(1)* may provide for the following—

( ) rates of fee payable,

( ) the keeping of records and the making of returns by persons liable to pay fees,

( ) the collection and recovery of fees, and

( ) such other matters as are necessary or incidental to the procurement of the payment of fees.

(3) Fees shall be payable to the Authority at such time and at such rates as may be prescribed in regulations made by the Authority under *(1)* and different rates may be prescribed in respect of different classes of persons liable to pay fees.

(4) Fees payable under the regulations mentioned in *3* shall, on the establishment day, be payable to the Authority and may be altered by regulations under this section.

(5) The Minister may, with the consent of the Minister for Finance, direct the Authority to pay into the Central Fu360(tof)-320(differe-0.e300(to)-300()-27JT*0(of)-360e

Premises of Authority.

Seal of Authority.

Authority to keep itself informed on certain matters.

Provision of services by Authority.

Definitions (*C* 5).

( ) the legal obligations of the State in relation to fish or fishery products arising under any law of an institution of the European Communities or other international agreement which is binding on the State (whether or not such legal obligation is the subject of regulations under the Act of 1972 or any other enactment);

"local authority" has the meaning assigned to it by the Local Government Act 2001;

"sea-fisheries law" means—

( ) the *-F A 2003 2006* and instruments made by the Minister under the Acts, and

( ) the legal obligations of the State in relation to sea-fisheries arising under any law of an institution of the European Communities to give effect to the common fisheries policy or other international agreement which is binding on the State (whether or not such legal obligation is the subject of regulations under the Act of 1972 or any other enactment).

CHAPTER 6

Register of Fishing Boats.

74.—(1) The Register of Fishing Boats continues in existence as the Register of Fishing Boats ("Register") for the purposes of this section and shall continue to be maintained by the Registrar General of Fishing Boats in such form as he or she considers appropriate (including in an electronic or other non-documentary form) and shall be revised or amended as he or she considers necessary from time to time.

(2) There continues to be a registrar of fishing boats known as the Registrar General of Fishing Boats ("Registrar General").

(3) The Registrar General shall be appointed by the Minister who may remove him or her from office for stated reasons.

(4) The Minister may appoint, and terminate for stated reasons the appointment of, a Deputy Registrar General of Fishing Boats ("Deputy Registrar General") to act for or perform the functions of the Registrar General during any absence from duty or inability to act of the Registrar General or as the Registrar General may from time to time direct. References in this Chapter to the Registrar General shall be read as including references to the Deputy Registrar General.

(5) The persons who immediately before the passing of this Act hold the position of Registrar General and Deputy Registrar General shall be the first Registrar General and Deputy Registrar General under this section.

(6) There continue to be local registrars of sea-fishing boats for such ports as provided for in the Regulations of 2005 unless otherwise provided for in regulations under *76*.

Registration,

(iii) otherwise confer, take away or affect any title to or interest in any boat.

(6) If an Irish sea-fishing boat is used for sea-fishing and—

( ) is not entered in the Register, but is required to be so entered,

( ) is entered in the Register, but there is not on board the boat the certificate of registration issued in respect of that boat (or a copy of that certificate), or

( ) is not lettered and numbered in accordance with regulations under *76* and Community law, or other international obligations which are binding on the State, applicable to the lettering and numbering of that boat,

the master and the owner of the boat each commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(7) If a sea-fishing boat required to be entered in the Register is not so entered, it shall not be entitled to any of the privileges or advantages of an Irish sea-fishing boat, but all obligations, liabilities and penalties with reference to that boat and the punishment of offences committed on board the boat, or by any persons belonging to it, and the jurisdiction of sea-fisheries protection officers or other officers and courts shall be the same as if the boat were entered in the Register.

(8) For so long as a ship which but for *(3)* would be required to be registered under the Act of 1955 is not so registered, section 18(3) of that Act applies to that ship as if it were required by section 18(1) of that Act to be so registered.

76.—The Minister may make regulations for the registration, lettering and numbering of sea-fishing boats so as to—

( ) provide for a system of registry, lettering and numbering of sea-fishing boats and the making of details of registration available to the public,

( ) define the boats or classes of boats to which the regulations or any of them are to apply and the exemption of any boats or classes of boats from the regulations or any of them,

( ) provide further for the appointment, functions and removal of local registrars,

( ) specify procedures for application for registration and for entry of a sea-fishing boat in the Register,

( ) specify procedures and methods for determining the dimensions and tonnage of sea-fishing boats,

( ) specify procedures for the removal of a sea-fishing boat from the Register,

( ) make such provision as is necessary to ensure compliance with an obligation relating to the registration of sea-fishing boats, the marking and numbering of sea-fishing boats, the measurement of sea-fishing boats and the

determination of the tonnage and engine power of sea-fishing boats imposed by or under Community law or other international obligations which are binding on the State,

( ) require (with the consent of the Minister for Finance) the payment of such fee before an application for registration or removal of a sea-fishing boat from the Register can be considered, or

( ) provide for any other necessary matters relating to the registration of sea-fishing boats and the removal of sea-fishing boats from the Register.

Fees.

77.—(1) Every fee received by the Department under *76* shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.

(2) The Public Offices Fees Act 1879 does not apply to a fee required under *76*.

Continuance of Regulations of 2005.

78.—The Regulations of 2005, if in operation on the passing of this Act, continue in force as if made under *76*.

Miscellaneous offences involving sea-fishing boats.

79.—(1) If a foreign sea-fishing boat is found within the exclusive fishery limits without having on board official papers evidencing the nationality of the boat, the master of the boat commits an offence.

(2) If any sea-fishing boat within the exclusive fishery limits fails to observe the provisions, relating to lights to be carried and exhibited, of the regulations for the prevention of collisions at sea made under section 418 of the Act of 1894, and applicable to the boat, the master and the owner of the boat each commits an offence.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €5,000.

Definitions (*C* *6*).

80.—In this Chapter—

"certificate of registration" means a certificate signed by the Registrar General stating that the Irish sea-fishing boat to which it relates is entered in the Register;

"Regulations of 2005" means Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005 (S.I. No. 261 of 2005);

"sea-fishing boat licence" means a licence granted under section 4 (inserted by *97*) of the Act of 2003.

PART 3

Maritime Jurisdiction (Including Exclusive Economic Zone and Exclusive Fishery Limits) of the State

81.—In this Part—

Definitions (*3*).

"exclusive economic zone" has the meaning given to it by or under *87*;

"exclusive fishery limits" has the meaning given to it by *88*;

"foreign ship" means a ship which is not an Irish ship (within the meaning of section 9 of the Act of 1955);

"internal waters" has the meaning given to it by *86*;

"island" means a naturally formed area of land surrounded by water which is above water at high water;

"low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low water but submerged at high water;

"nautical mile" means the length of one minute of an arc of a meridian of longitude;

"ship" includes every description of vessel used in navigation whether on or under the surface of the water, howsoever propelled, and also includes a seaplane while it is in contact with the water;

"territorial seas" has the meaning given to it by *82*.

82.—The territorial seas of the State is that portion of the sea which lies between the baseline and the outer limit of the territorial seas.

83.—The outer limit of the territorial seas is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

84.—(1) The contiguous zone of the State is that portion of the sea not included in the territorial seas of the State which lies between the baseline and the outer limit of the contiguous zone.

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Internal waters.

86.—The internal or inland waters of the State extend to all sea areas which lie on the landward side of the baseline of the territorial seas and all such sea areas shall be subject to the jurisdiction of the State to the same extent in all respects as its ports and harbours, bays, lakes and rivers, subject to any right of innocent passage for foreign ships in those sea areas which previously had been considered as part of the territorial seas or of the high seas.

Exclusive economic zone of State.

87.—(1) The exclusive economic zone of the State is the area beyond and adjacent to the territorial seas subject to the specific legal regime established in Part V of the United Nations Convention on the Law of the Sea ("Convention"), done at Montego Bay on 10 December 1982, the text of which, in the English language, is, for convenience of reference, set out in *2*.

(2) Subject to *(3)*, the outer limit of the exclusive economic zone is the line every point of which lies at a distance of 200 nautical miles from the nearest point of the baseline.

Exclusive fishery limits of State.

Jurisdiction in case of offence.

commits such offence may be arrested, tried and punished accordingly.

(2) For the purpose of arresting any person charged with an offence declared by this section to be within the jurisdiction of the State, the territorial seas and internal waters shall be deemed to be within the jurisdiction of any court or judge having power within the State to issue warrants for the arrest of persons charged with offences committed within the jurisdiction of such court or judge.

90.—(1) Proceedings (other than the taking of depositions) for the prosecution of a non-national for an offence alleged to have been committed in the territorial seas on board or by means of a foreign ship shall not be instituted without the certificate of the Minister for Foreign Affairs that the institution of the proceedings is in his or her opinion expedient.

(2) This section does not apply to an offence under—

( ) the *D A 1996 2006*,

( ) the Maritime Security Act 2004,

( ) the *-F A 2003 2006*, or

( ) the Sea Pollution Acts 1991 to 1999.

91.—Nothing in this Part shall be read to be in derogation of any jurisdiction enjoyed by the State under international law or conferred on it by Community law, or to affect or prejudice such jurisdiction or any jurisdiction conferred upon it by any other enactment or now by law existing.

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92.—(1) The Government may by order (which they may by order revoke or amend) prescribe the charts which may be used for the purpose of establishing low-water mark, or the existence and position of any low-tide elevation, or any other matter in reference to the internal waters, the territorial seas, the exclusive economic zone or the exclusive fishery limits, and any chart purporting to be a copy of a chart of a kind or description so prescribed shall, unless the contrary is proved, be received in eworaryc 18.6t24ivedwa(of)-370(or)]TJT*4TJTehinofortn80(JT*4T2(Mari of 159),s of in the asshing ofhis Ac,f cortiuies i24ivded of nde1 This sectiog.

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" 'territorial seas of the State' means the portion of the sea which is defined by *82* of the *-F M J A 2006* as the territorial seas of the State;".

(4) Section 3 of the Sea Pollution Act 1991 is amended by substituting for subsection (2A) (inserted by section 13 of the Sea Pollution (Amendment) Act 1999) the following:

"(2A) A reference in this Act to the State includes a reference to—

( ) the inland waters of the State,

( ) the territorial seas of the State, and the seabed and subsoil beneath those seas, and

( ) the exclusive economic zone of the State (within the meaning of *87* of the *-F M - J A 2006*).".

(5) Section 117 of the Patents Act 1992 is amended by substituting " *86* of the *-F M J A 2006*" for "section 5 of the Maritime Jurisdiction Act 1959".

(6) Section 36(4) of the Criminal Justice Act 1994 is amended by substituting " *90* of the *-F M J - A 2006*" for "Section 11 of the Maritime Jurisdiction Act 1959".

(7) Section 1 of the Sea Pollution (Amendment) Act 1999 is amended by substituting for subsection (2) the following:

"(2) A reference in this Act to the State includes a reference to—

( ) the inland waters of the State,

( ) the territorial seas of the State, and the seabed and subsoil beneath those seas, and

( ) the exclusive economic zone of the State (within the meaning of *87* of the *-F M - J A 2006*).".

(8) Sections 185 and 290 of the Copyright and Related Rights Act 2000 are each amended, in paragraph ( )(ii), by substituting " *86* of the *-F M J A 2006*" for "section 5 of the Maritime Jurisdiction Act 1959".

(9) Section 2 of the Sea Pollution (Hazardous Substances) (Compensation) Act 2005 is amended by substituting for subsection (2) the following:

"(2) A reference in this Act to the State includes a reference to—

( ) the inland waters of the State,

( ) the territorial seas of the State, and the seabed and subsoil beneath those seas, and

( ) the exclusive economic zone of the State (within the meaning of *87* of the *-F M - J A 2006*

granted or renewed for the purposes of this section and in relation to the boat by the licensing authority.

(3) ( ) The licensing authority may grant sea-fishing boat licences for such period as is specified in the licence.

( ) An application for a sea-fishing boat licence shall be—

(i) made to the licensing authority,

(ii) in such form and contain such particulars as the licensing authority may specify, and

(iii) made by or on behalf of the owner of the boat in respect of which the application is made.

( ) Where an application is made for a sea-fishing boat licence, the licensing authority may, subject to subsection (5), allow or refuse the application.

( ) In deciding on the grant or refusal of a sea-fishing boat licence or the attachment of terms and conditions to licences the licensing authority may take account of economic and social benefits which the operation of a boat would be likely to contribute to the coastal communities and regions which the quotas within the meaning of Council Regulation No. 2371/2002 of 20 December 2002[3] are designed to benefit, including—

(i) the projected annual number of landings at ports in the State,

(ii) the projected annual tonnage and value of fish landed in the State,

(iii) the projected annual level of expenditure in the State on wages, fuel, supplies, equipment and services, and

(iv) the projected annual level of social security and tax payments in the State in respect of employees and the operation of the boat, and the protection, conservation and sustainable exploitation of living marine aquatic species and requirements of the Common Fisheries Policy of the European Communities.

(4) ( ) The licensing authority may renew a sea-fishing boat licence, without the holder or the licensee making an application under subsection 3( ), for such period or periods as he or she may consider appropriate.

( ) Section 7 of this Act does not apply to the renewal of a licence under paragraph ( ).

Member State and having its principal place of business in a Member State or a state belonging to the European Economic Area.

(6) Where a sea-fishing boat is owned by a body corporate, the name, address and nationality of the beneficial owner or owners of the shares in, or of the person or persons who otherwise controls or control, the body corporate, shall be given to the licensing authority—

( ) on application for a omic

has attempted so to fish, the licensing authority may, if he or she thinks fit, revoke or suspend (for such period as he or she sees fit) the licence.

(9) ( ) It is a condition of a sea-fishing boat licence that the licensee shall ensure that the licensed boat complies with requirements specified by or under the Merchant Shipping Acts 1894 to 2005.

( ) Where by or under the Merchant Shipping Acts 1894 to 2005 a survey is required to be carried out of a sea-fishing boat for the purpose of establishing whether or not such boat complies with the requirements specified by or under those Acts, the licensing authority shall not grant or renew a sea-fishing boat licence in respect of the boat unless the licensing authority is satisfied that the boat complies with such requirements.

( ) Where a code of practice published by the Minister for Transport relating to the safety and sea-worthiness of sea-fishing boats of a class to which paragraph ( ) does not apply requires a survey to be carried out of a sea-fishing boat of such class for the purpose of establishing whether or not such boat complies with the requirements specified in the code of practice, the licensing authority shall not grant or renew a sea-fishing boat licence in respect of the boat unless a declaration of compliance with the code of practice has been provided to the licensing authority.

(10) ( ) The holder of a sea-fishing boat licence suspended or revoked under subsection (7)( ) or (8)( ) shall, as soon as practicable, surrender the licence to the licensing authority.

( ) A person who fails to comply with paragraph ( ) of this subsection commits an offence and is liable on summary conviction to a fine not exceeding €500.

( ) Where a licence has been suspended under subsection (7)( ) or (8)( ) the District Court may, upon application to it, direct the licensing authority to re-issue and return the licence or it may reduce the period of suspension.

(11) Without prejudice to the generality of subsection (3)( ) where the licensing authority receives an application for a sea-fishing boat licence and—

( ) the application relates to a sea-fishing boat which is owned by a body corporate and the licensing authority is not satisfied that the body corporate is under the control of, beneficially owned by or under the control of and beneficially owned by a person or persons who, or, as may be appropriate, each of whom, is either a qualified individual or a qualified body, or

( ) the licensing authority is satisfied that the applicant has previously used or attempted to use a sea-fishing boat for sea-fishing in contravention of, or that the

applicant has fished for sea-fish or has attempted so to fish contrary to, subsection (2),

he or she may refuse the application.

(12) ( ) Where the holder of a sea-fishing boat licence—

(i) ceases to be the owner of the sea-fishing boat to which the licence relates, or

(ii) is a body corporate which ceases to be under the control of or beneficially owned by or under the control of and beneficially owned by a person or persons who, or, as may be appropriate, each of whom, is either a qualified individual or a qualified body,

the licence ceases to have effect and the holder of the licence shall, as soon as practicable, deliver the licence to the licensing authority.

( ) A person who fails to comply with paragraph ( ) commits an offence and is liable on summary conviction to a fine not exceeding €500.

(13) ( ) A person who uses or attempts to use a sea-fishing boat in contravention of subsection (2) commits an offence.

( ) A person who, while on board a sea-fishing boat, fishes for sea-fish or attempts to so fish in contravention of subsection (2) commits an offence.

(14) In this section—

'Irish sea-fishing boat' means a sea-fishing boat which is—

( ) entered in the Register of Fishing Boats maintained under *74* of the *-F M J A 2006*,

( ) required by regulations under *76* of that Act to be so entered, or

passing of this Act continues in force as if made or renewed under the corresponding provision of section 4 (inserted by this section) of the Act of 2003.

Tax clearance certification requirement for applicants for sea-fishing boat licences.

98.—(1) The following section is inserted after section 5 of the Act of 2003:

"5A.—(1) A sea-fishing boat licence shall not be granted by the licensing authority unless the applicant produces to the licensing authority a tax clearance certificate.

(2) In this section 'tax clearance certificate' means a tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.".

(2) This section comes into operation on such day as the Minister may appoint by order. That order shall be laid before each House of the Oireachtas as soon as may be after it is made.

Miscellaneous amendments to Act of 2003.

99.—The Act of 2003 is amended—

( ) in section 2(1) by substituting "section 4(3)" for "section 222B(3) of the Principal Act",

( ) in section 3—

(i) by substituting for subsection (3) the following:

"(3) A policy directive given under subsection 2( ) may provide for measures to control and regulate the capacity, structure, equipment, use and operation of sea-fishing boats for the purpose of protecting, conserving or allowing the sustainable exploitation of living marine aquatic species or the rational management of fisheries, in furtherance of national policy objectives and to comply with requirements of the common fisheries policy of the European Communities or other international obligations which are binding on the State.",

(ii) in subsection (6), by substituting "section 4" for "section 222B of the Principal Act",

(iii) in subsection (9)( ), by substituting "section 4(3)" for "section 222B(3) of the Principal Act",

(iv) in subsection (9)( ), by substituting "section 4(3)" for "section 222B(3) (inserted by section 4)",

(v) by inserting after subsection (9) the following:

"(9A) The licensing authority is not liable in any proceedings for anything done in good faith in the purported exercise of his or her powers in relation to granting or renewing sea-fishing boat licences or maintaining the Register of Fishing Boats.",

and

( ) in section 9(2)( ), by substituting “section 4” for “section 222B of the Principal Act”,

( ) in section 25, by substituting for subsection (3) the following:

“(3) A person who fishes or attempts to fish in contravention of any conservation regulation commits an offence.”,

( ) in section 27, by substituting for subsection (5) the following:

“(5) A person who fails to comply with subsection (3)( ) commits an offence.”,

( ) in section 29(1), by substituting “under a section specified in a Table to *28* of the *-F M J A 2006*

Amendment of Act of 1955.

(3) Every ship to which the provisions of subsection (2) apply shall be registered under this Act unless the ship is exempt under section 18(2) of this Act from the obligation to so register.

(4) In this section, 'Member State' means a Member State of the European Communities.",

( ) in section 18(2), by inserting after paragraph ( ) the following:

"( ) a sea-fishing boat of less than 15 metres in length overall and required to be registered in the Register of Fishing Boats maintained under *74* of the *-F M J A 2006* or exempt from such registration by regulations under *76* of that Act.",

and

( ) in section 19—

(i) by inserting after subsection (2) the following:

"(2A) Notwithstanding subsection (2) of this section, the Government may by order provide that the citizens, subjects or nationals of a state declared under subsection (1) of this section to be a reciprocating state or bodies corporate established under and subject to the laws of that state shall—

( ) be qualified to own only a registered ship (or a share in it) which is of a particular class or description specified in the order, or

( ) not be qualified to own a registered ship (or a share in it) which is of a class or description so specified,

and subsection (2) of this section is to be construed and have effect subject to the terms of the order.",

and

(ii) subsection (3), by deleting "subsection (1) of".

CHAPTER 4

A

101.—The Fisheries (Amendment) Act 1997 is amended—

Miscellaneous amendments to Fisheries (Amendment) Act 1997— aquaculture.

( ) in section 6(2), by substituting—

(i) "€300" for "£200", and

(ii) "€2,000" for "£1,000",

( ) in section 10, by substituting for subsection (4) (inserted by Regulation 17 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 (S.I. No. 93 of 1999)) the following:

"(4) Where the submission to the Minister of an environmental impact statement is required under regulations made under subsection (3)( ) in respect of an application for a licence, the Minister, if requested by the applicant, shall, after consultation with such persons as the Minister considers appropriate, give a written opinion to the applicant of the information to be contained in the statement, before the applicant submits the statement.",

( ) by inserting after section 19 the following:

"Renewal of licence after its expiration.

19A.—(1) The power of the licensing authority to renew or to further renew an aquaculture licence under section 19 is exercisable notwithstanding the expiration of the period for which the licence was granted or renewed.

(2) Where, prior to the passing of the *-F M J A 2006*, an aquaculture licence has been renewed or further renewed after the expiration of the period for which the licence was granted or renewed, such renewal shall be and be deemed always to have been as valid and effectual as if the licence had been renewed or further renewed on the expiration of the period in question.

(3) If, because of the validation expressed to be effected by subsection (2), that subsection would, but for this subsection, conflict with a constitutional right of any person, the validation shall be subject to such limitation as is necessary to secure that it does not so conflict but shall be otherwise of full force and effect.

(4) A licensee who has applied for the renewal or further renewal of an aquaculture licence shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence, be entitled to continue the aquaculture or operations in relation to aquaculture authorised by the licence pending the decision on the said application.",

( ) in section 34, by substituting for subsection (6) the following:

"(6) Where the Minister is satisfied that a member of the Board has failed to comply with subsection (1), the

pursuant to this subsection, he or she shall thereafter be disqualified from membership of the Board.

(7) Where the Board is satisfied that a person who is not a member of the Board has failed to comply with subsection (1), the Board shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(8) For the purposes of this section a person shall not be regarded as having an interest in any matter by reason only of an interest of that person, or of any company in which he or she has an interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question relating to the matter, or in performing any function in relation to that matter.",

( ) in section 57(6), by substituting "€600" for "£500",

( ) in section 65—

(i) by substituting for subsection (2) the following:

"(2) A person guilty of an offence under subsection (1), section 6(1), 20 or 67(2) is liable—

( ) on summary conviction, to a fine not exceeding €5,000, or

( ) on conviction on indictment, to a fine not exceeding €250,000.

(2A) A person guilty of an offence (other than an offence under a provision mentioned in subsection (2) or under section 6(2) or 57(6)) is liable on summary conviction to a fine not exceeding €2,000.",

and

(ii) by inserting after subsection (3) the following:

"(4) Notwithstanding section 10(4) of the Petty00.",thethen091_020flowing:

well as the body, or the person so purporting to act on behalf of the body, is

which the licence was granted, the licence ceases to have effect.

( ) A licensee, who considers that there are exceptional reasons why aquaculture, in respect of which a licence has been granted to the licensee, has not been commenced or cannot commence within the period specified in paragraph ( ), may apply to the Minister, giving those reasons, for a determination that the licence concerned shall not cease to have effect.

( ) The Minister may, at his or her discretion, having considered the reasons given by the licensee under paragraph ( ), determine whether or not the licence shall cease to have effect. The determination of the Minister is final.

(2) ( ) Subject to paragraph ( ), where aquaculture in respect of which a licence has been granted has ceased for a continuous period of 2 years, the Minister shall, without compensation to the licensee, revoke the licence.

( ) A licensee, who considers that there are exceptional reasons why aquaculture, in respect of which a licence has been granted to the licensee, has ceased or is likely to cease for the period referred to in paragraph ( ), may apply to the Minister, giving those reasons, for a determination not to revoke the licence.

( ) The Minister may, in his or her discretion, having considered the reasons given by the licensee under paragraph ( ), determine whether or not to revoke the licence. The determination of the Minister is final.

( ) This subsection is deemed to have come into operation on 30 June 1998.”.

Amendment of section 4 of Fishery Harbour Centres Act 1968.

Amendment of Dumping at Sea Act 1996.Pt.

4.

Session and Chapter or Number and Year (1)	Short Title or Subject (2)	Extent of Repeal (3)
No. 21 of 1951	Freshwater Fisheries (Prohibition of Netting) Act 1951	The whole Act
No. 25 of 1951	Fishing Licences (Moville District) Act 1951	The whole Act
No. 14 of 1959	Fisheries (Consolidation) Act 1959	Part XIII, sections 309(2) and 314(4)
No. 22 of 1959	Maritime Jurisdiction Act 1959	The whole Act
No. 31 of 1962	Fisheries (Amendment) Act 1962	Sections 19 to 23, 32(3), (4) and (5) and 34 and in the Table to section 32 at Ref. No. 1 “237, 238, 239, 240, 241, 242, 243,” and at Ref. No. 10 “233, 236,”
No. 32 of 1964	Maritime Jurisdiction (Amendment) Act 1964	The whole Act
No. 25 of 1974	Fisheries (Amendment) Act 1974	The whole Act
No. 18 of 1978	Fisheries (Amendment) Act 1978	The whole Act
No. 1 of 1980	Fisheries Act 1980	Sections 48, 49, 72, 73 and 75 and in the Table to section 50 at Ref. No. 2 “240, 241, 242, 243,” and at Ref. No. 3 “237, 238, 239,”
No. 27 of 1983	Fisheries (Amendment) Act 1983	The whole Act
No. 9 of 1988	Maritime Jurisdiction (Amendment) Act 1988	The whole Act
No. 23 of 1994	Fisheries (Amendment) Act 1994	Sections 1(4) and (5), 3 to 14 and 16
No. 21 of 2003	Fisheries (Amendment) Act 2003	Sections 26(1) and (9), 28 and 30
No. 11 of 2005	Maritime Safety Act 2005	Section 53

SCHEDULE 2

87.

United Nations Convention on the Law of the Sea 1982

Part V - Exclusive Economic Zone

Article 55

L E E

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this

Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56

, J D C E
E

1. In the exclusive economic zone, the coastal State has:

( ) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

( ) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

( ) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

Article 57

B E E

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 58

E E

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.

2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.

3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

Article 59

B

E E

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 60

A I , I E

E

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

( ) artificial islands;

( ) installations and structures for the purposes provided for in article 56 and other economic purposes;

( ) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notedDug1nblyas au4(s)-490of the extent safety zones.

6. Ayships5t290(must)--00(respect)t290(these5t290(safety)-290(zones)-290(and)-290(shly be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no5te00(territorial)-310(sea)-310(of)-310(their)-310(own,)-31

Article 61

C L

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.

2. The coastal State, taking into account the best scientific evidence available to it, shlyensure through proper conservationand managementmeasures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global,cooperate to this end.

3. Such measures shall also be designed to maintain or restore

Article 62

L

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in para-

( ) the placing of observers or trainees on board such vessels by the coastal State;

(

Article 65

M M

Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

Article 66

A

1. States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.

2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone and for fishing provided for in paragraph 3( ). The State of origin may, after consultations with the other States referred to in paragraphs 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers.

3. ( ) Fisheries for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State

5. The State of origin of anadromous stocks and other States fish-

( ) the extent to which other land-locked States and geographically disadvantaged States are participating in the

( ) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;

( ) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States;

( ) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need

or their nationals by lease or licence, by establishing joint ventures

Article 75

C L G C

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

S *44(2).*

SCHEDULE 3

Functions under Regulations which are Transferred

European Communities (Aquaculture Animals and Fish) (Placing on the Market and Control of Certain Diseases) Regulations 1996	(S.I. No. 253 of 1996)
European Communities (Trade in Fish) Regulations 1997	(S.I. No. 191 of 1997)
European Communities (Minimum measures for the control of certain diseases affecting bivalve molluscs) Regulations 1999	(S.I. No. 26 of 1999)
European Communities (Animal By-products) Regulations 2003	(S.I. No. 248 of 2003)
European Communities (Labelling of Fishery and Aquaculture Products) Regulations 2003	(S.I. No. 320 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products at Approved Establishments and on Factory Vessels) Regulations 2003	(S.I. No. 544 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products on Irish Fishing Vessels) Regulations 2003	(S.I. No. 545 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products at Border Inspection Posts) Regulations 2003	(S.I. No. 546 of 2003)
European Communities (Financing of Veterinary Inspections and Controls on Fresh Fish landed by Third Country Vessels) Regulations 2003	(S.I. No. 547 of 2003)
European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003	(S.I. No. 548 of 2003)
European Communities (Common Organisation of Markets in Fishery and Aquaculture Products) (Financial Compensation for Withdrawal and Carry-over Aid) Regulations 2004	(S.I. No. 398 of 2004)

(b) Economic Exclusive Zone: list of coordinates in WGS84[1]

Reference	Latitude	Longitude
1	55 24.951 N	6 44.101 W
2	55 30.451 N	6 42.101 W
3	55 35.451 N	6 41.601 W
4	55 37.951 N	6 40.601 W
5	55 39.951 N	6 43.101 W
6	55 47.951 N	6 54.602 W
7	55 50.451 N	6 58.602 W
8	55 54.952 N	7 04.602 W
9	55 57.952 N	7 12.603 W
10	56 07.951 N	7 44.604 W
11	56 23.951 N	8 34.106 W
12	56 34.951 N	9 00.107 W
13	56 37.951 N	9 18.107 W
14	57 14.921 N	12 59.843 W
15	57 10.912 N	13 05.641 W
16	57 06.820 N	13 11.228 W
17	57 04.032 N	13 18.894 W
18	57 01.134 N	13 26.411 W
19	56 58.126 N	13 33.772 W
20	56 55.01 1 N	13 40.972 W
21	56 51.791 N	13 48.006 W
22	56 48.469 N	13 54.870 W
23	56 45.048 N	14 01.560 W
24	56 41.530 N	14 08.070 W
25	56 37.917 N	14 14.398 W
26	56 34.213 N	14 20.539 W
27	56 30.420 N	14 26.489 W
28	56 26.541 N	14 32.245 W
29	56 22.579 N	14 37.804 W
30	56 18.537 N	14 43.163 W
31	56 14.418 N	14 48.31 9 W
32	56 10.225 N	14 53.268 W
33	56 05.960 N	14 58.010 W
34	56 01.628 N	15 02.541 W
35	55 57.230 N	15 6.860 W
36	55 52.873 N	15 11.691 W
37	55 48.445 N	15 16.303 W
38	55 43.948 N	15 20.695 W
39	55 39.388 N	15 24.864 W
40	55 34.765 N	15 28.808 W
41	55 30.086 N	15 32.526 W
42	55 25.351 N	15 36.018 W
43	55 20.566 N	15 39.280 W
44	55 15.733 N	15 42.313 W
45	55 10.857 N	15 45.116 W
46	55 05.939 N	15 47.688 W
47	55 00.985 N	15 50.029 W

[1] This list of geographical coordinates of points showing the outer limits of the exclusive economic zone of Ireland was deposited with the Secretary-General in accordance with article 75(2) of the United Nations Convention on the Law of the Sea, through a note verbale dated 25 August 2006, from the Permanent Mission of Ireland to the United Nations.

104	50 19.285 N	15 18.414 W
105	50 14.832 N	15 14.689 W
106	50 10.439 N	15 10.801 W
107	50 06.108 N	15 06.753 W
108	50 01.841 N	15 02.550 W
109	49 57.641 N	14 58.192 W
110	49 53.511 N	14 53.685 W
111	49 49.452 N	14 49.030 W
112	49 45.468 N	14 44.231 W
113	49 41.559 N	14 39.291 W
114	49 3T.730 N	14 34.214 W
115	49 33.980 N	14 29.003 W
116	49 30.313 N	14 23.662 W
117	49 26.731 N	14 18.193 W
118	49 23.120 N	14 13.153 W
119	49 19.586 N	14 07.992 W
120	49 16.131 N	14 02.713 W
121	49 12.757 N	13 57.319 W
122	49 09.467 N	13 51.813 W
123	49 06.261 N	13 46.198 W
124	49 03.141 N	13 40.477 W
125	49 00.108 N	13 34.654 W
126	48 57.166 N	13 28.732 W
127	48 54.314 N	13 22.713 W
128	48 51.554 N	13 16.603 W
129	48 48.888 N	13 10.403 W
130	48 46.317 N	13 04.117 W
131	48 43.842 N	12 57.748 W
132	48 41.465 N	12 51.300 W
133	48 39.186 N	12 44.776 W
134	48 37.069 N	12 38.584 W
135	48 35.042 N	12 32.327 W
136	48 33.105 N	12 26.010 W
137	48 31.260 N	12 19.635 W
138	48 29.507 N	12 13.205 W
139	48 27.847 N	12 06.723 W
140	48 25.694 N	11 59.717 W
141	48 23.653 N	11 52.639 W
142	48 21.727 N	11 45.494 W
143	48 19.916 N	11 38.287 W
144	48 18.222 N	11 31.019 W
145	48 16.644 N	11 23.697 W
146	48 15.185 N	11 16.324 W
147	48 13.844 N	11 08.903 W
148	48 12.623 N	11 01.440 W
149	48 11.523 N	10 53.937 W
150	48 10.543 N	10 46.400 W
151	48 09.684 N	10 38.832 W
152	48 08.948 N	10 31.237 W
153	48 08.333 N	10 23.620 W
154	48 07.549 N	10 16.085 W
155	48 06.886 N	10 08.526 W
156	48 06.343 N	10 00.946 W
157	48 05.922 N	9 53.351 W
158	48 16.436 N	9 43.590 W
159	48 49.937 N	9 18.090 W

160	49 33.939 N	8 38.591 W
161	49 52.939 N	8 20.591 W
162	50 01.940 N	8 11.091 W
163	50 10.940 N	8 00.091 W
164	50 19.441 N	7 48.591 W
165	50 38.942 N	7 23.091 W
166	50 45.442 N	7 15.091 W

4. The Netherlands[1]

Kingdom Act of 28 April 2005 (Contiguous Zone (Establishment) Act) and Decree of 14 June 2006 (Contiguous Zone (Outer Limits) Decree)

Kingdom Act of 28 April 2005 establishing a contiguous zone for the Kingdom (Contiguous Zone (Establishment) Act)

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who see or hear these presents! Be it known:

Whereas We have considered that, mainly in order to prevent the infringement of regulations governing customs, taxation, immigration, public health or historic objects, and to punish any such infringements as do occur, it is desirable to extend the Kingdom's jurisdiction and, to that end, to establish a contiguous zone;

We, therefore, having heard the Council of State of the Kingdom, and in consultation with the States General, taking into account the provisions of the Charter for the Kingdom, have approved and decreed as We hereby approve and decree:

Section 1

1. The Kingdom has a contiguous zone.

2. The contiguous zone of the Kingdom is the territory be

relating to objects of an archaeological or historical nature. This will require the relevant legislation in the Netherlands, the Netherlands Antilles and Aruba to be amended. If it is decided to use the establishment of the contiguous zone for customs, taxation, immigration or public health, the applicable laws and regulations in those areas will have to be amended to create the power to apply them in that zone. If it is decided to use the establishment of the contiguous zone for objects of a historical or archaeological nature, the territorial scope of the relevant legislation will have to be extended. The reader is referred to the explanatory memorandum accompanying the Bill establishing a contiguous zone for the Kingdom (Parliamentary Papers, House of Representatives, 2003/04, 29 533, no. 3, p. 5).

In the case of the Netherlands, the second memorandum of amendment to the Bill amending the Monuments and Historic Buildings Act 1988 and a number of other Acts relating to conservation of objects of archaeological interest proposes extending the territorial scope of the Monuments and Historic Buildings Act 1988 to the contiguous zone of the Netherlands, partly in connection with the implementation of the Valletta Convention (Archaeological Heritage (Protection) Act) (Parliamentary Papers, House of Representatives, 2005/06, 29259, no.

maximum size is not attained in maritime zones where other states have a right or a title to a right derived from UNCLOS or bilateral treaties (see also the explanation of article 2).

The baselines from which the breadth of the territorial sea is measured are established for the Netherlands by section 1 (1) of the Dutch Territorial Sea (Limits) Act, and for Aruba and the Netherlands Antilles by article 1 of the Decree of 23 October 1985, implementing section 1 of the Territorial Sea of the Kingdom (Extension in the Netherlands Antilles) Act (Bulletin of Acts and Decrees 559). For the Netherlands the baselines are the low-water line along the coast (normal baseline) or the edge of the low-tide elevations which lie seawards of that (seaward low-

Kingdom has a contiguous zone which is bordered by the outer limit of the territorial sea and this line (see annexe 2). The northernmost section of this line, which was described in the previous paragraph, is also bordered by the median line with respect to France (Departement Guadeloupe (Saint Barthelemy). The southernmost section of this line, which was also described in the previous paragraph, is also delimited by article 1 of this Decree and the median line with respect to France (Departement Guadeloupe (Saint Martin)).

The States whose baselines border on those of the Kingdom are Belgium, Germany and France (Departement Guadeloupe (Saint Martin)). Treaties have been signed with Belgium and Germany which are relevant for establishing the outer limits of the Kingdom's contiguous zone. These are the Treaty between the Kingdoms of the Netherlands and Belgium on the Delimitation of the Continental Shelf, signed in Brussels on 18 December 1996 (Dutch Treaty Series 1997, 15), and the Treaty between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the Lateral Delimitation of the Continental Shelf in the Vicinity of the Coast, signed in Bonn on 1 December 1964 (Dutch Treaty Series 1964, 184). These Treaties establish the boundary lines between the respective continental shelves (article 1). The boundary line set in the Treaty with Belgium also functions as the boundary line between the respective exclusive economic zones (article 2). The boundary with Germany established in the Treaty is also regarded by the Kingdom as the boundary between the respective economic zones; see the explanatory memorandum to the Exclusive Economic Zone of the Netherlands (Outer Limits) Decree (Bulletin of Acts and Decrees 2000, 167, p. 5). The above Treaties are thus not applicable to the contiguous zone, as such. Article 2 (1) of this Decree seeks, in part, to stipulate unilaterally that the boundary lines established in these Treaties also function as the outer limit of the Kingdom's contiguous zone. The Kingdom has a contiguous zone which is bordered by the outer limit of the territorial sea and the line referred to in article 1 of this Decree, in so far as this line does not extend beyond the boundary lines agreed with Belgium and Germany in the above Treaties (see annexe 3).

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III. OTHER INFORMATION

Communications from States: Cyprus[1]

Ref.: 24.11.012.042

The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to communicate the following:

The note verbale, dated 4 of October 2005, from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General of the United Nations, concerning the Statement of Position by the Republic of Cyprus on Turkey's objection to the Agreement between the Republic of Cyprus and the Arab Republic of Egypt, has recently been published in the Law of the Sea Bulletin No. 59, page 34.

The Republic of Cyprus has examined the Turkish note verbale and observes that the latter fails to address issues of fact and law and above all falls short of complying with international legality, thus rendering the content of the note verbale with no legal effect.

The Republic of Cyprus rejects the reference to "Greek Cypriot Authorities" and reminds that the sole legitimate Government on the island of Cyprus is the Government of the Republic of Cyprus. This is the firm position held by the entire international community, with the sole exception of Turkey and endorsed by numerous instruments of Public International Law and European Law, amongst which United Nations' Security Council Resolutions 541 (1983) and 550 (1984).

It should not be disregarded that Turkey is one of the guarantors of the Republic of Cyprus' independence, territorial integrity and security, as well as its constitutional order and not the guarantor of any secessionist "authority". Such a misuse of her international treaty obligations, raises serious doubts as to the commitment of the Government of Turkey to implement and fully respect other international commitments, including, for example, her obligations vis-à-vis the European Union or a possible future agreed solution of the Cyprus problem.

The Republic of Cyrpus reaffirms the content of its previous Statement of Position as regards matters pertaining to the Law of the Sea and the Agreement on the Delimitation on the Exclusive Economic Zone between the Republic of Cyprus and the Arab Republic of Egypt.

The Republic of Cyprus agrees with the following position by Turkey: "Furthermore, according to one of the general principles of international law of the sea, States bordering an enclosed or semi-enclosed sea, such as the Mediterranean Sea, are under an obligation to cooperate with each other in the execise of their rights and in the performance of their duties".

The Republic of Cyprus infers from this statement that Turkey concurs with the rest of the international community in recognizing the Republic of Cyprus as a State under established norms of Public International Law and expects that Turkey will engage constructively in bilateral consultations in order to reach an analogous agreement of delimitation with the legitimate Government of the Republic of Cyprus.

Nevertheless, Turkey's statement contradicts her actions since she continues to illegally occupy a sizeable part of the maritime zones of the Republic of Cyprus and prevents the latter from exercising effective control over a part of its sovereign territory. It is incumbent upon Turkey to abide by peremptory norms of international law and align itself with law-respecting States of the United Nations.

The Permanent Mission of the Republic of Cyprus would highly appreciate it if the Secretary-General of the United Nations would circulate this note to all United Nations Member States and publish it in the next edition of the Law of the Sea Bulletin.

The Permanent Mission of the Republic of Cyprus avails itself of this opportunity to renew to the Secretary-