

Maritime Areas Act, No. 6 of 18 July 1984

An Act to make provision with respect to the territorial sea and the continental shelf of Saint Lucia; to establish a contiguous zone and an exclusive economic zone adjacent to and beyond the territorial sea; and for related purposes.

PART I
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1984.
- (2) This Act shall come into operation upon such date as the Minister may, by notice published in the Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires:

"baseline of the territorial sea" means the baseline from which the breadth of the territorial sea is measured as described in section 4;

"foreign vessel" means a vessel that:

- (a) is registered in a foreign State;
- (b) belongs to an authority or instrumentality of a foreign State; or
- (c) is held by any person on behalf of, or for the benefit of, a foreign State;

...

"exclusive economic zone" means the exclusive economic zone of Saint Lucia as described in section 8 and, to the extent that section 9 applies, as delimited pursuant to section 9;

...

"maritime areas of Saint Lucia" means the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone;

"master" in relation to vessel means the person for the time being having command or charge of the vessel;

...

"resources" includes living and non-living resources;

...

"the Regulations" means regulations made under this Act.

PART II
MARITIME AREAS OF SAINT LUCIA

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Continental Shelf

7.(1) Subject to subsection (2) and section 9, the continental shelf of Saint Lucia comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Saint Lucia to the outer edge of the continental margin, or to a distance of 200 nautical miles from the nearest point of the baseline of the territorial sea when the outer edge of the continental margin does not extend up to that distance.

(2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point of the baseline of the territorial sea, the outer limits of the continental shelf shall be established with all due regard to the requirements and limitations of international law relevant to the establishment and delineation of the continental shelf beyond that distance.

(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Saint Lucia consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

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Exclusive economic zone

8. Subject to section 9, the exclusive economic zone of Saint Lucia comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea every point of which is 200 nautical miles distant from the nearest point of that baseline.

**Delimitation of continental shelf or exclusive economic zone
in certain cases**

9. (1) Wherever the equidistance line between Saint Lucia and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea:

(a) the delimitation of the continental shelf shall be effected by agreement between Saint Lucia and the adjacent State on the basis of international law in order to achieve an equitable settlement; and

(b) the delimitation of the exclusive economic zone shall be effected between Saint Lucia and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Where, in any case, an agreement of the kind referred to in paragraph (a) or (b) of subsection (1) cannot be reached, Saint Lucia shall have recourse to the procedures provided by international law for the settlement of any dispute.

(3) Pending the delimitation of-

- (a) the continental shelf pursuant to subsection (1)(a) or (2); or
- (b) the exclusive economic zone pursuant to subsection (1) (b) or (2),

the equidistance line between Saint Lucia and the adjacent State shall constitute the outer limits of the continental shelf or, as the case may be, the exclusive economic zone. unless Saint Lucia and the adjacent State make other provisional arrangements with respect to those limits.

(4) For the purpose of implementing any agreement under subsection (1), any settlement pursuant to subsection (2) or any provisional arrangements under subsection (3), the Minister may, from time to time, by Order published in the Gazette, declare that the continental shelf or the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of section 7 or, as the case may be, section 8, and the Order. while it remains in force, shall subject to section 30, have effect according to its tenor, notwithstanding anything in this Act.

(5) In this section. 'equidistance line', as between Saint Lucia and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State.

PART III

RIGHTS IN RESPECT OF MARITIME AREAS OF SAINT LUCIA

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Rights in respect of exclusive economic zone and continental shelf

12. (1) Saint Lucia has and may exercise in respect of the exclusive economic zone
- (a) sovereign rights
 - (i) for the purpose of the exploration for, and the exploitation, conservation and management of, resources of the waters superjacent to the seabed and of the seabed and subsoil; and
 - (ii) for the production of energy from the waters, currents and winds;
 - (b) jurisdiction with regard to
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research; and
 - (iii) the protection and preservation of the marine environment;
 - (c) the exclusive right to construct and to authorise and regulate the construction, operation and use of:
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for under paragraph (a) or any other economic purposes;

- (iii) installations and structures which may interfere with the exercise by Saint Lucia of rights in respect of the exclusive economic zone: and
 - (d) the exclusive right to regulate, authorise and conduct marine scientific research.
- (2) Saint Lucia has and may exercise in respect of the continental shelf
- (a) sovereign rights for the purpose of the exploration for, and the exploitation, conservation and management of natural resources;
 - (b) the exclusive right to construct and to authorise and regulate the construction, operation and use of
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for under paragraph (a) or any other economic purposes;
 - (iii) installations and structures which may interfere with the exercise by Saint Lucia of rights in respect of the continental shelf; and
 - (c) the exclusive right to regulate, authorise and conduct marine scientific research.
- (3) In the exercise of jurisdiction and rights under subsection (1) in respect of the exclusive economic zone, Saint Lucia shall have due regard to the rights and duties of foreign States and shall act in a manner compatible with international law.
- (4) In the exercise of:
- (a) rights under subsection (1) (a) (i) in respect of the seabed and subsoil of the exclusive economic zone:
or
 - (b) right under subsection (2)(a) in respect of continental shelf, Saint Lucia shall not infringe or unjustifiably interfere with rights of navigation or other rights and freedom of foreign States, under international law.
- (5) The sovereign rights conferred by this section in respect of the continental shelf shall be deemed always to have been vested in Saint Lucia,
- (6) In subsection (2)(a), "natural resources" means mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

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Rights to lay cables and pipelines

13. (1) Subject to subsection (2), every foreign State may exercise, in accordance with international law, the right to lay cables and pipelines on the continental shelf or in the exclusive economic zone.
- (2) The right, under subsection (1), to lay cables or pipelines
 - (a) shall not be exercised on any occasion unless there has first been obtained any consent required by or

under the Regulations or any enactment in relation to the delineation of the course of the cables or pipelines to be laid on that occasion:

(b) shall be exercised in conformity with the provisions of the Regulations, and any enactment, for or with respect to the prevention, reduction and control of pollution from pipelines: and

(c) is subject to the exercise of rights or jurisdiction pursuant to section 12 for or with respect to the control or prevention of the laying of cables or pipelines in connection with the exploration for or exploitation of, resources, or the use of artificial islands, installations or structures.

Prohibited activities

14. (1) No person shall

(a) within the limits of the continental shelf

(i) explore for and exploit the natural resources, as defined in section 12(6);

(ii) conduct any marine scientific research; or

(iii) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right referred to in section 12(2)(b)(ii), or which may interfere with the exercise of rights referred to in section 12(2)(b)(iii),

(b) within the limits of the exclusive economic zone

(i) explore for or exploit the resources;

(ii) produce energy from the waters, currents or winds:

(iii) conduct any marine scientific research; or

(iv) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in section 12 (I) (c) (ii), or which may interfere with the exercise of rights referred to in section 12(1) (c) (iii); or

(c) within the limits of the territorial sea engage in any of the activities referred to in paragraph (b), except when authorised by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorisation.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of twenty thousand dollars.

(3) Where the owner or master of a vessel which is detained pursuant to section 23(1) (c) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel, including any equipment on board the vessel used in the commission of the offence. shall be forfeited to the Crown, and in that event the vessel and any such equipment shall be disposed of in such manner as the Minister shall order.

...

PART V CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas

19. The Minister shall cause to be prepared such charts or lists of geographical co-ordinates as he thinks fit showing all or any of the following matters, namely

- (a) the maritime areas of Saint Lucia or any part thereof
- (b) the baseline of the territorial sea;
- (c) the outer limits of the continental shelf or the exclusive economic zone: or
- (d) sea lanes or traffic separation schemes.

Evidence of charts

20. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 19 shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts

21. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical co-ordinates prepared pursuant to section 19: and
- (b) a copy of each such chart list to be deposited with the Secretary-General of the United Nations.

PART VI JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

22. (1) The jurisdiction and powers of the courts of Saint Lucia extend to the maritime areas of Saint Lucia for the purpose of

- (a) this Act: and
 - (b) any enactment which applies or is applied pursuant to section 28 to maritime areas of Saint Lucia or any part thereof.
- (2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1), a court is a

court of competent jurisdiction

...

(3) The Minister, after consultation with the Attorney-General may make rules for carrying out or giving effect to this section.

(4) The jurisdiction and powers conferred by this section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a court of Saint Lucia.

Apprehension of certain offenders

23. (1) Subject to this section, where an authorised person has reasonable cause to believe and believes that an offence has been committed against section 14, he may exercise all or any of the following powers, namely

(a) within the maritime areas of Saint Lucia, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;

(b) arrest, with or without a warrant, any person on board the vessel. or on the installation, referred as to in paragraph (a), or found elsewhere in Saint Lucia, whom he has reasonable cause to believe has committed an offence against that section:

(c) detain the vessel, referred to in paragraph (a), if he has reasonable cause to believe that an offence against that section has been committed by the owner or master of the vessel; and

(d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that section and arrest, with or without a warrant, any person on the installation. or found elsewhere in Saint Lucia, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 18, he may, within the territorial sea, exercise all or any of the following powers, namely:

(a) stop, board, inspect and search the foreign vessel which, in contravention of that section, engaged in any prescribed activity;

(b) arrest, with or without a warrant, the master of the vessel;

(c) arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that section; and

(d) detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsection (1) or (2) with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or subsection (2) (d), it shall be held in the custody of the Crown until:

(a) a decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or

(b) where such a decision is made to bring such a prosecution, the security required under subsection (6) is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The release of a vessel from detention shall not affect any subsequent forfeiture of the vessel, pursuant to section 14 (3) or 18 (4).

(8) The power under subsection (1) or (20) shall not be exercised in relation to a vessel that is, or in relation to a person who is entitled to State or other immunity recognized by law.

(9) The powers and rights under this section are in addition to and not in derogation of any other powers and rights which Saint Lucia may have under international law or otherwise.

(10) In the exercise under this section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(11) In this section:

"authorized person" means a person, or a person belonging to a class or description of persons, designated for the purposes of this section by the Minister by Order made under this subsection and published in the Gazette; "owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea

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

(a) there are clear grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:

- (i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
 - (ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) there:
- (i) are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
 - (ii) is clear objective evidence that that violation has resulted in a discharge causing major damage

or the threat of major damage to the coastline of Saint Kitts and Nevis, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3) (a) has occurred.

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

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

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

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

Certificate of Attorney-General

25. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone, a certificate, purporting to be signed by the Attorney-General, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

...

Civil jurisdiction

26. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the continental shelf or the exclusive economic zone in connection with

(a) the exploration for or exploitation of resources

(b) the conduct of any research or survey activities:

(c) the establishment, construction, operation or use of any artificial islands, installation or structure:

(d) the laying of cables or pipelines: or

(e) the production of energy from the waters, currents or winds, both, may be dealt with by a court of competent jurisdiction.

Subsection (1) shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside

Saint Lucia.

(3) The jurisdiction conferred by this section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Saint Lucia.

...

Application of enactments to maritime area

28. (1) The minister may, by regulations made under section 9, extend to the maritime areas of Saint Lucia, or any part thereof, the application of any enactment, subject to:

- (a) the limitations (if any); and
- (b) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly,

(2) The power under subsection (1) includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under section 12.

PART VII REGULATIONS, SAVING AND AMENDMENTS

Regulations

29. (1) The Minister may make regulations for carrying out or giving effect to this Act.

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(3) Regulations may be made with respect to the continental shelf or the exclusive economic zone, or both, or all or any of the following purposes, namely

- (a) regulating the conduct of scientific research within the continental shelf or the exclusive economic zone;
- (b) prescribing measures for the protection and preservation of the marine environment of that shelf or zone;
- (c) regulating, for the purposes of section 12, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that shelf or zone, including the establishment of safety zones around, but not exceeding 500 metres distance from, such islands, installations, and structures;
- (d) regulating the exploration and exploitation of that shelf or zone for economic purposes;
- (e) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Saint Lucia in relation to that shelf or zone; and
- (f) providing for such other matters as are contemplated by or necessary for giving full effect to the

provisions of Part II, III, or IV.

(4) Regulations may be made with respect to the exclusive economic zone for the exploration and exploitation of that zone for the production of energy from the water, currents and winds.

(5) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Saint Lucia in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(6) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a penalty not exceeding twenty thousand dollars for any such offence.

(7) The power under this section to make regulations may be exercised

(a) either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and

(b) so as to make. with respect to the cases in relation to which it is exercised

(i) the same provision for all those cases, or different provision for different cases or classes or description of cases, or different provisions with respect to the same case or classes or description of cases for different purposes of this Act; or

(ii) any such provision either unconditionally or subject to any specified condition.

Saving of Agreement

30. (1) In this section, "the Agreement" means the Agreement between the Government of Saint Lucia and the Government of the French Republic done in Paris on the 4th day of March, 1981.

(2) Nothing in this Act affects the operation of the Agreement and, while it remains in force, the Agreement shall have effect according to its tenor for the purpose of the delimitation of any of the maritime areas of Saint Lucia affected by its provisions.

(3) A document purporting to be certified by the Minister to be a true copy of the Agreement is admissible in any proceedings as evidence of the contents of the Agreement.

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