

Chapter 194
CONTINENTAL SHELF ACT
To make provision as to the exploration and exploitation of the continental shelf and for matters connected with those purposes.
29th July, 1966(1)

Short title

1. The short title of this Act is the Continental Shelf Act.

Interpretation

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

"the continental shelf" means the sea bed and subsoil of the submarine areas adjacent to the coast of Malta but outside territorial waters, to a depth of two hundred metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; so however that where in relation to states of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other state or states or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other state or states is measured;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"natural resources" means the mineral and other non-living resources of the sea bed and subsoil as well as the living organisms belonging to sedentary species.

Exploration and exploitation of the continental shelf

3. (1) Any rights exercisable by Malta with respect to the continental shelf and its natural resources are by this Act vested in the Government of Malta.

(2) In relation to any petroleum with respect to which the rights mentioned in subarticle (1) are exercisable, article 3(2) (which prohibits any person from searching or boring for or getting petroleum without a licence), article 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and article 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act shall apply as they apply in relation to petroleum in Malta.(2)

(3) The Prime Minister may from time to time by order published in the Government Gazette designate any area as an area within which the rights mentioned in subarticle (1) are exercisable, and any area so designated is in this Act referred to as a designated area.

(4) In this article "petroleum" has the same meaning as in the Petroleum (Production) Act.(3)

Protection of installations in designated areas (4)

4. (1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.

(2) If any ship enters any part of a designated area in contravention of an order under this article, its owner or master shall be liable, on summary conviction, to a fine (multa) not exceeding one thousand liri or to imprisonment for a term not exceeding three months, or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

Orders may be varied or revoked

5. Any order under this Act may be varied or revoked by a subsequent order.

Application of law in force in Malta

6. (1) Any act or omission which -

(a) takes place on, under or above an installation or other device in a designated area or any waters within five hundred metres of such an installation or device, and (b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta, shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.

(2) For the purposes of article 742 of the Code of Organization and Civil Procedure (which relates to jurisdiction) any installation or device in a designated area and any waters within five hundred metres of such an installation or device shall be treated as if they were situated in the island of Malta.(5)

Discharge of oil (6)

7. (1) If any oil or any mixture containing not less than one hundred parts of any oil in a million parts of the mixture is discharged or escapes into any part of the sea -

(a) from a pipeline, or

(b) as a result of any operations for the exploration of the sea bed and subsoil or the exploitation of their natural resources in a designated area, the owner of the pipeline or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) A person guilty of an offence under this article shall be liable, on summary conviction, to a fine (multa) not exceeding one thousand liri.

Measures to prevent interference with exploitation of continental shelf (7)

8. (1) No person shall lay or maintain any submarine cable or pipeline under the high seas in a designated area without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipeline or as to any other matter intended to

ensure non-interference with the exploration or exploitation of the continental shelf or its natural resources.

(2) Any person who contravenes any of the provisions of this article shall be liable, on summary conviction, to a fine (multa) not exceeding fifty liri for each day during which the offence continues.

Offences by association of persons

9. (1) Where an offence under this Act (including an offence under another Act as applied by this Act and anything that is an offence by virtue of article 6(1)) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) A member of the Police Force shall on any installation or device in a designated area have all powers, protection and privileges which he has in Malta.

Right of hot pursuit (8)

10. The provisions of subarticles (2) to (6), both inclusive, of article 8 of the Territorial Waters and Contiguous Zone Act shall apply mutatis mutandis to any reasonable suspicion of an offence under this Act.

Endnotes

1 (Note - Note)

ACT XXXV of 1966, as amended by Acts XIII of 1983 and I of 2002.

2 (Note - Note)

Cap. 156.

3 (Note - Note)

Cap. 156.

4 (Note - Note)

Amended by:
XIII. 1983.5.

5 (Note - Note)

Cap. 12.

6 (Note - Note)

Amended by:
XIII. 1983.5.

7 (Note - Note)

Amended by:
XIII. 1983.5.

8 (Note - Note)

Added by:
I. 2002.6.
Cap. 226.