

Territorial Sea Act 1971, Act No. 3 of 15 July 1971

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Interpretation

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

"bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation; and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by the low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;

"island" means a naturally formed area of land which is surrounded by and is above water at mean high-water spring tides;

"Government" means the Government of Western Samoa;

"low-water mark" has the meaning assigned thereto by section 8 of this Act;

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

"nautical mile" means the international nautical mile of 6,080 feet;

"Western Samoa" means the Independent State of Western Samoa.

The territorial sea

3. The territorial sea of Western Samoa comprises those areas of the sea having, as their inner limits, the baseline described in section 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant twelve nautical miles from the nearest point of the baseline.

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Baseline of the territorial sea

5. (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of Western Samoa is measured shall be the low-water mark along the coast of Western Samoa, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

Baseline of the territorial sea adjacent to a bay

6. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall:

(a) If the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed twenty-four nautical miles, be a straight line joining the said low-water marks;

(b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed twenty-four nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks;

(c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line twenty-four nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

**Bed of territorial sea and internal waters
vested in Western Samoa**

7. (1) For the purposes of this section, the term "high-water mark" means the line of median high tide between the spring and neap tides.

(2) Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the high-water mark along the coast of Western Samoa including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of Western Samoa shall be deemed to be and always to have been public land vested in Western Samoa.

Official charts

8. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest-scale nautical chart of that area produced by any authority and for the time being held and used by the Government.

(2) In any proceedings in any Court, a certificate purporting to be signed by the Director of Lands or by a Harbour-master of the Marine Department that any specified nautical chart or any area is the largest scale nautical chart of that area produced by any authority and for the time being held and used by the Government shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

Permanent harbour works

9. For the purposes of this Act, permanent harbour works which form an integral part or a harbour system shall be treated as forming part of the coast.

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