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CHAPTER 11

MARITIME AREAS

1 of 1992
S I 12 of 1992

[30th January, 1992]

PART I

Preliminary

1. This Act may be cited as the Maritime Areas Act

Short title

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

Common Law of
England and
certain Acts ex-
tended to Belize

“baseline” means the baseline from which the breadth of the territorial sea is measured as described in section 4 of this Act,

“equidistance line”, as between Belize 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,

“exclusive economic zone” means the exclusive economic zone of Belize as described in section 6 of this Act and, to the extent that section 7 applies, as delimited pursuant to section 7 of this Act,

“foreign State” means a State other than Belize,

“foreign vessel” means a vessel that is not registered as a Belizean ship under the Registration of Merchant Ships Act, Cap 236,

“fringing reefs” means reefs attached directly to, or located in the immediate vicinity of, the coast or any costal lagoon,

“internal waters” means the internal waters of Belize as described in section 5,

“island” means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides,

“low-tide elevation” means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides,

“maritime areas of Belize” means the internal waters, the territorial sea, and the exclusive economic zone,

“master”, in relation to vessel, means the person for the time being having command or charge of the vessel,

“Minister” means the Minister responsible for foreign affairs, “nautical mile” means the international nautical mile of 1852 metres, “resources” includes living and non-living resources,

“territorial sea” means the territorial sea of Belize as described in Section 3 of this Act,

“the Regulations” means regulations made under this Act

PART II

Maritime Areas of Belize

Territorial sea

3.- (1) The territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles from the nearest point of that baseline

(2) Wherever the equidistance line between Belize and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Belize and the adjacent State, but to the extent that if no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea

4. (1) Except as otherwise provided in subsections (2), (3) and (4) of this section, the baseline from which the breadth of the territorial sea adjacent to Belize is measured shall be the low water line along the coast of the mainland of Belize as well as the coasts of all islands and cayes that form part of Belize

Baseline of
territorial sea

(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

(3) (a) The baseline from which the breadth of the territorial sea is measured between Ambergris Caye - SE and Sarstoon River - shall consist of the series of loxodromes drawn so as to join successively, in the order in which they are there set out, points situate on the low water line on or adjacent to the features listed in the Schedule to this Act

(b) The provisions of subsection (3) (a) of this section shall be without prejudice to the operation of paragraphs(1) and (2) of this section in relation to any island or low-tide elevation which for the purposes of that subsection is treated as if it were an island, being an island or low-tide elevation which

lies to seaward of the baseline specified in subsection (3) (a) of this section

- (4) (a) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low water line of the fringing reefs
- (b) Where there is a break or passage through the fringing reefs referred to in subsection (4) (a) of this section, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage

(5) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works

Internal waters

5. The internal waters of Belize comprise any areas of water that are on the landward side of the baseline of the territorial sea.

Exclusive economic zone

6. Subject to section 7, the exclusive economic zone of Belize 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 exclusive economic zone

7. (1) Wherever the equidistance line between Belize and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the exclusive economic zone shall be effected

between Belize and the adjacent State on the basis of international law in order to achieve an equitable settlement

(2) Pending the delimitation of the exclusive economic zone pursuant to subsection (1) of this section, the equidistance line between Belize and the adjacent State shall constitute the outer limits of the exclusive economic zone

PART III

Rights In Respect Of Maritime Areas Of Belize

8. The sovereignty in respect of,

Sovereignty in respect of territorial sea

- (a) the territorial sea,
- (b) the airspace over, and the seabed under, that sea, and
- (c) the subsoil of that seabed, is vested in Belize, and subject to international law, is exercisable by Belize

9. Belize has and may exercise in respect of the exclusive economic zone,

Rights in respect of exclusive economic zone

- (a) sovereign rights,
 - (i) for the purpose of fishing, navigation with respect to fishing, the exploration for, and exploitation, conservation and management of

resources of the waters superjacent to the seabed and of the seabed and subsoil, and

- (i) for the production of energy from the waters, currents and winds,
- (b) jurisdiction with regard to,
 - (i) the establishment and use of artificial island, installations and structures,
 - (ii) maritime scientific research, and
 - (iii) the protection and preservation of the marine environment,
- (c) the 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
 - (iii) installations and structures which may interfere with the exercise by Belize of rights in respect of the exclusive economic zone

Prohibited
activities

- 10.** (1) No person shall,
- (a) 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 9 (c)
- (b) within the limits of the territorial sea engage in any of the activities referred to in subsection (1) (a) of this section,

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) of this section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars

PART IV

Innocent Passage

11. (1) In this Part, unless the context otherwise requires, Interpretation

“competent authority”, in relation to any provision in this Part, means the Minister, and any person, or person belonging to any class or description of persons, designated pursuant to subsection

(2) of this section for the purposes of that provision,

“designated area of internal waters” means any area of internal waters for the time being designated under subsection (3) of this section,

“proscribed activity” means,

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Belize, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations,
- (b) any exercise or practice with weapons of any kind,
- (c) any act aimed at collecting information to the prejudice of the defence or security of Belize,
- (d) any act of propaganda aimed at affecting the defence or security of Belize;
- (e) the launching, landing or taking on board of any air- craft or military device,
- (f) the loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws,
- (g) any wilful act of pollution calculated or likely to cause damage or harm to Belize, its resources or its marine environment,
- (h) any fishing activities,
- (i) the carrying out of research or survey activities,

- (j) any act aimed at interfering with any system of communication or any other facilities or installations of Belize, or
- (k) such other activity as may be prescribed

(2) The Minister may, by Regulation designate any person, or class or description of persons, for the purposes of any provision of this Part, and the Minister may, in like manner, revoke any such designation

(3) Where the Minister is satisfied that an area of internal waters enclosed by the baseline enacted in section 4 (3) (a) of this Act was not considered to be internal waters prior to the commencement of this Act, he may so designate those waters by Regulation and the Minister, if he ceases to be so satisfied, may, in like manner, revoke the designation of those waters

(4) Every Regulation made by the Minister under subsection (3) of this Act shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution

12. (1) Every foreign vessel may, subject to and in accordance with this section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of,

Innocent
passage

- (a) traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters,
- (b) proceeding to or from internal waters or a call at any such roadstead or port facility, where the passage is innocent, or
- (c) traversing internal waters, to or from the territorial sea, which had not previously been

considered as such, where the passage is innocent

(2) The passage of a foreign vessel,

- (a) is innocent so long as it is not prejudicial to the peace, good order or security of Belize, and
- (b) is deemed to be prejudicial to the peace, good order or security of Belize if the vessel, in the territorial sea, engages in any proscribed activity.

(3) In exercising the right of innocent passage, a vessel shall comply with,

- (a) generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof, and
- (b) the provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to,
 - (i) the safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation scheme,
 - (ii) the protection of navigational aids and facilities, and other facilities or installations,
 - (iii) the protection of cables and pipelines,

- (iv) the conservation of resources,
- (v) fishing and fisheries,
- (vi) the preservation of the environment and the prevention, reduction and control of pollution,
- (vii) marine scientific research and hydrographic surveying,
- (viii) controls or prohibitions in relation to customs, excise, immigration or sanitation

(4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Belize, including weapons exercises, by Regulation, suspend, for such period as is specified in the Regulation, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the Regulation

13. (1) No foreign vessel, shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any proscribed activity

Engaging in
proscribed
activities
prohibited

(2) Where a foreign vessel, in contravention of subsection (1) of this section, engages in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars

(3) No prosecution for an offence against this section shall be brought against a person who is entitled to State or other immunity recognised by law

PART V

Charts And Geographical Co-Ordinates

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

Charts of
maritime areas

- (a) the maritime areas of Belize or any part thereof,
- (b) the baseline of the territorial sea,
- (c) the outer limits of the exclusive economic zone, or
- (d) sea lanes or traffic separation schemes

Evidence of
charts

15. A document, purporting to be certified by the Minister or by a person designated by him for this purpose to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 14 of this Act, 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

16. The Minister shall cause,

- (a) due publicity to be given to charts or lists of geographical co-ordinates prepared pursuant to section 14 of this Act, and
- (b) a copy of each such chart or list of geographical co-ordinates to be deposited with the Secretary-General of the United Nations

PART VI

Jurisdiction of Courts and other Legal Matters

17 (1) Notwithstanding any other law, rule or regulation to the contrary the jurisdiction and powers of the courts of Belize extend to the maritime areas of Belize for the purpose of,

Evidence of
charts

- (a) this Act or any Regulation made thereunder, and
- (b) any enactment which applies or is applied pursuant to section 23 to maritime areas of Belize, or any part thereof

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1) of this section, a court is a court of competent jurisdiction,

- (a) for the purpose of any criminal proceedings, if it would have cognisance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction, and
- (b) for the purposes of any proceedings, other than criminal proceedings, if it would have jurisdiction if

the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary 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 Belize

Apprehension of
certain offenders

18. (1) Subject to this section, where an authorised person has reasonable cause to believe and believes that an offence has been committed against section 10, he may exercise all or any of the following powers, namely,

- (a) within the maritime areas of Belize, 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 to in subsection (1) (a) of this section or found elsewhere in Belize, whom he has reasonable cause to believe has committed an offence against that section,
- (c) detain the vessel, referred to in subsection (1) (a) of this section 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 Belize, whom he has reasonable cause to believe has committed the offence

(2) Subject to this section, where an authorised person has reasonable cause to believe and believes that an offence has been committed against section 13 of this Act, 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, engages in any proscribed 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 authorised person may exercise any of the powers conferred on him by subsections (1) and (2) of this section 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) of this section, it shall be held in the custody of the Government 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 a decision is made to bring such a prosecution, the security required under subsection (6) of this section 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) of this section shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order

(7) The power under subsection (1) or (2) of this section 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 recognised by law

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

(9) In the exercise under this section of the power of enforcement against a foreign vessel, an authorised 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

(10) In this section,

“authorised person” means a person, or person belonging to a class or description of persons, designated for the purposes of this section by the Minister by Regulation made under this section 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

19. (1) Subject to this section, where an offence is committed on board a foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its

passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the vessel during that passage, only if,

- (a) the consequences of the offence extend to Belize,
- (b) the offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea,
- (c) the assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State, or
- (d) it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substance, or weapons

(2) The limitations in subsection (1) of this section shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters

(3) Subject to this section, where a foreign vessel proceeding from a port outside Belize, 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 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 evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline or barrier reef of Belize, 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 18 of this Act.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsections (1) or (3) of this section 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) of this section 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 (a) of this section has occurred

(7) The prescribed power referred to in subsection (8) (a) of this section shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Belize, have been established, either through the competent international organisation 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) of this section, 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) of this section, and

(b) for the purposes of subsection (3) (b) (i) of this section, includes a power to detain a vessel

20. 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, or the exclusive economic zone, a certificate, purporting to be signed by the Minister, 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

Certificate of
Minister

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

Civil
jurisdiction

- (a) the exploration for or exploitation of resources,
- (b) the conduct of any research 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, may be dealt with by a court of competent jurisdiction

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

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

Civil jurisdiction
in relation to
foreign vessels in
territorial sea

22 (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel

(2) Subject to subsection (3) of this section, no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea

(3) Subsection (2) of this section, in so far as it prohibits the arrest of, or levying of execution against, a foreign vessel, shall not apply in the case of a foreign vessel which is lying in

or passing through the territorial sea after leaving internal waters

23. (1) The Minister may, by Regulations made under section 24, extend to the maritime areas of Belize, or any part thereof, the application of any enactment, subject to,

Application of
enactment to
maritime area

- (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) of this section 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 9 of this Act

PART VII

Miscellaneous

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

Regulations

(2) Without prejudice to the generality of the foregoing, Regulations may be made with respect to the territorial sea for all or any of the following purposes, namely,

- (a) regulating the conduct of scientific research and hydrographic surveying within the territorial sea,

- (b) prescribing measures for the protection and preservation of the marine environment of the territorial sea,
- (c) regulating, for the purposes of section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures,
- (d) regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current, and winds, and for any other economic purposes;
- (e) providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of Belize in relation to the territorial sea, 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 of this Act

(3) Without prejudice to the generality of subsection (1) of this section, Regulations may be made with respect to the exclusive economic zone for all or any of the following purposes, namely,

- (a) regulating the conduct of scientific research within the exclusive economic zone,
- (b) prescribing measures for the protection and preservation of the marine environment of that zone,

- (c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that 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 zone for economic purposes,
- (e) regulating the exploration and exploitation of that zone for the production of energy from the water, currents, and winds,
- (f) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Belize in relation to that zone, and
- (g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act

(4) 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 Belize in violation of applicable international rules and standards established through the competent international organisation or general diplomatic conference

(5) 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.

(6) 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 all cases in relation to which it is exercised,
 - (i) the same provision for all those cases, or different provisions for different cases or classes or description of cases, or different provisions with respect to the same case or class or description of cases for different purposes of this Act, or
 - (ii) any such provision either unconditionally or subject to any specified condition

(7) Any Regulation made pursuant to this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution

Provisions of this Act to apply notwithstanding other laws

25. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, rule or regulation

SCHEDULE

Maritime Areas Act

Features Between Ambergris Caye -Se And Sarstoon River

(Sections 3 and 4)

Ambergris Caye - SE

Mauger Caye

Sandbore Caye

Half-Moon Caye

North East Caye

Silk Cayes

Black Rock

Nicholas Caye
Hunting Caye

Ragged Caye

East Snake Caye

South Snake Caye

Moho Caye

Stuart Caye

Rio Grande - South Entrance

Orange Point

Mother Point

Sarstoon River

