

CHAPTER 464
MARITIME AREAS ACT

• Act • Subsidiary Legislation •

ACT

Act No. 15 of 1983

Amended by

Act No. 25 of 1989

Act No. 5 of 1994

Act No. 8 of 2006

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Internal waters.
4. Archipelagic waters.
5. Territorial sea.
6. Contiguous zone.
7. Exclusive economic zone.
8. Continental shelf.
9. Territorial extent.
10. Right of passage.
11. Non-innocent passage of foreign ships.
- 11A. Power of police, coastguard, etc.
12. Archipelagic sea lanes.
13. Conduct in archipelagic sea lanes.
14. Archipelagic sea lane regulations.
15. International Maritime Organisation approval.
16. Promulgation of information.
17. Overlapping jurisdiction.
18. Criminal and other jurisdiction.
19. Regulations relating to the contiguous zone.
20. Regulations relating to the exclusive economic zone.
21. Regulations relating to the continental shelf.
22. Safety zones.
23. Modification of existing laws.

CHAPTER 464
MARITIME AREAS ACT

An Act to declare the maritime areas, and for matters incidental thereto and connected therewith.

[Act No. 15 of 1983 amended by Act No. 25 of 1989, Act No. 5 of 1994, Act No. 8 of 2006.]

[Date of commencement: *1st November*, 1984.]

[SRO 16 of 1984.]

1. Short title

This Act may be cited as the Maritime Areas Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**archipelagic sea lanes passage**” means the exercise of the rights of navigation and over flight in accordance with international law in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an economic zone;

“**competent authority**” means the Minister or any person designated by him as the competent authority for the purposes of this Act;

“**innocent passage**” means sea or air passage through the waters of Saint Vincent and the Grenadines which is not prejudicial to peace, good order or security;

“**Minister**” means the Minister responsible for security;

[Definition of “Minister” substituted by Act No. 5 of 1994.]

“**warship**” means a ship belonging to the armed forces of a state bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the state and whose name appears in the appropriate service list or its equivalent and manned by a crew which is under regular armed forces discipline;

“**waters of Saint Vincent and the Grenadines**” means the internal waters and the archipelagic waters and territorial sea of Saint Vincent and the Grenadines.

3. Internal waters

The internal waters of Saint Vincent and the Grenadines comprises the waters from the landward side of the archipelagic closing lines to the low water mark of all the island areas of Saint Vincent and the Grenadines.

4. Archipelagic waters

The archipelagic waters of Saint Vincent and the Grenadines comprise the waters from the landward side of the archipelagic baselines to the archipelagic closing lines.

5. Territorial sea

The territorial sea of Saint Vincent and the Grenadines comprise the waters from its archipelagic baseline seaward to a limit of twelve nautical miles.

6. Contiguous zone

The contiguous zone of Saint Vincent and the Grenadines comprises the waters contiguous to its territorial sea from its archipelagic baselines seaward to a limit of twenty-four nautical miles.

7. Exclusive economic zone

The exclusive economic zone of Saint Vincent and the Grenadines comprises the waters, seabed and subsoil contiguous to its territorial sea from its archipelagic baselines seaward to a limit of two hundred nautical miles.

8. Continental shelf

The continental shelf of Saint Vincent and the Grenadines comprises the seabed, subsoil and the submarine areas contiguous to its territorial sea from its archipelagic baselines seaward to a limit of two hundred nautical miles.

9. Territorial extent

The waters of Saint Vincent and the Grenadines, including the airspace above and the bed and subsoil thereof, form part of the territory of Saint Vincent and the Grenadines.

10. Right of passage

(1) Subject to subsections (2) to (4) and section 14, a foreign ship is entitled to enjoy the right of innocent passage through the waters of Saint Vincent and the Grenadines.

(2) A foreign warship shall not navigate in the waters of Saint Vincent and the Grenadines without the prior permission of the competent authority obtained by the state to which the warship belongs.

(3) The Minister may, by notification in the *Gazette*, make regulations relating to the innocent passage of foreign vessels through the waters of Saint Vincent and the Grenadines in respect of any or all of the following—

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the laws and regulations of Saint Vincent and the Grenadines governing marine living resources;
- (f) the protection of the environment of Saint Vincent and the Grenadines and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys; and
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of Saint Vincent and the Grenadines.

(4) The Minister may, by order in the *Gazette*, suspend temporarily in specified areas of the waters of Saint Vincent and the Grenadines the innocent passage of foreign ships if such suspension is essential for the protection or the security of Saint Vincent and the Grenadines.

11. Non-innocent passage of foreign ships

(1) The passage of a foreign ship is prejudicial to the peace, good order or security of Saint Vincent and the Grenadines where, without the prior permission of the competent authority obtained by the state to which the ship belongs or the captain or the person in charge of the ship, the ship while in the waters of Saint Vincent and the Grenadines engages in any of the following activities—

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Saint Vincent and the Grenadines, 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 relating to the defence or security, economic condition or social condition of Saint Vincent and the Grenadines;

- (d) any act, by way of propaganda or otherwise, aimed at affecting the defence or security of Saint Vincent and the Grenadines;
- (e) the launching, landing or taking on board of any aircraft;
- (f) the launching, landing or taking on board of devices;
- (g) the taking on board or off-loading of any person in contravention of any fiscal, immigration or sanitary laws or regulations of Saint Vincent and the Grenadines;
- (h) any act of pollution calculated to, or likely to, cause damage or harm to Saint Vincent and the Grenadines, its resources or its marine environment;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installation of Saint Vincent and the Grenadines;
- (l) the illegal traffic in narcotic drugs or psychotropic substances; or
- (m) such other activity as may be prescribed.

[Subsection (1) amended by Act No. 5 of 1994.]

(2) The passage of a foreign warship in the waters of Saint Vincent and the Grenadines is prejudicial to the peace, good order or security of Saint Vincent and the Grenadines where the warship navigates such waters without the permission required in section 10(2).

11A. Power of police, coastguard, etc.

(1) Where a foreign ship engages in any activity specified in section 11 or where a member of the police force, coastguard service or a person authorised by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activity, the member of the police force, coastguard service or authorised person may—

- (a) stop and board the ship for the purposes of carrying out enquiries and investigations;
- (b) arrest without a warrant the offending ship and bring it to into port;
- (c) arrest without a warrant the captain or other person in charge of the ship or any person on board participating in the activity.

(2) Where the foreign ship contravenes the provisions of section 11, the captain or other person in charge and any person on board the ship and participating in the activity specified in section 11 commits an offence.

(3) Where any of the parties referred to in subsection (2) commits an offence under this section, he is liable—

- (a) on summary conviction to a fine not exceeding fifteen thousand dollars or imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding ten years,

and in addition to any penalty that the Court may impose, it may order the forfeiture to the Crown of any ship engaged in or any equipment used in any activity that is the subject of the offence which shall be additional to any other offence for which the offender may also be punished under any other law enforced in Saint Vincent and the Grenadines.

[Section 11A inserted by Act No. 5 of 1994.]

12. Archipelagic sea lanes

(1) The Minister may, by order in the *Gazette*, designate sea lanes, and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over the archipelagic waters and the adjacent territorial sea.

(2) All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.

(3) All ships and aircraft shall not navigate closer to the coasts of Saint Vincent and Grenadines than ten per cent of the distance between the nearest points on islands and the axis lines of the sea lanes.

(4) The Minister may, by notification in the *Gazette*, establish traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes and modify and substitute them.

13. Conduct in archipelagic sea lanes

(1) Every ship in passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this Act.

(2) Every ship or aircraft exercising the right of archipelagic sea lanes passage shall—

- (a) proceed without delay through the sea lanes;
- (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of states bordering straits, and shall not act in any manner in violation of the principles of international law embodied in the Charter of the United Nations; and
- (c) refrain from any activities other than those incidental to their normal modes of continuous and expeditious passage, unless rendered necessary by force majeure or by distress.

(3) Ships in distress shall—

- (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collision at Sea; and
- (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.

(4) Aircraft in passage shall—

- (a) observe the rules of the air established by the International Civil Aviation Organisation as they apply to civil aircraft and every state aircraft shall normally comply with such safety measures and shall at all times operate with due regard for the safety of navigation;
- (b) at all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) During its passage through archipelagic sea lanes, a foreign ship, including a maritime scientific research and hydrograph survey ship, may not carry out any research or survey activities without prior authorisation of the Minister.

14. Archipelagic sea lane regulations

(1) The Minister may make regulations relating to archipelagic sea lanes passage in respect of any or all of the following—

- (a) the safety of navigation and the regulation of maritime traffic;

- (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other various and polluting substances;
- (c) with respect to fishing vessels, the prevention of fishing including the storage of fishing gear;
- (d) the embarking or loading or disembarking or unloading of any person, commodity or currency in contravention of the customs, fiscal, immigration or sanitary laws and regulations of Saint Vincent and the Grenadines.

(2) Every foreign ship exercising the right of archipelagic sea lanes passage shall comply with all the laws and regulations applicable to it.

(3) The flag state of a ship or aircraft entitled to sovereign immunity which acts in a manner contrary to any law or regulation shall bear international responsibility for any loss or damage which results to Saint Vincent and the Grenadines.

(4) The Minister may levy charges upon foreign ships passing through the waters of Saint Vincent and the Grenadines for specific services rendered to them.

15. International Maritime Organisation approval

In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, the Minister shall refer proposals to the International Maritime Organisation, or its successor, with a view to their adoption.

16. Promulgation of information

The Minister shall publish charts or lists of co-ordinates of—

- (a) the low water mark of all the islands of Saint Vincent and the Grenadines;
- (b) the archipelagic closing lines of Saint Vincent and the Grenadines;
- (c) the archipelagic baselines of Saint Vincent and the Grenadines;
- (d) the outer limits of the territorial sea of Saint Vincent and the Grenadines;
- (e) the outer limits of the contiguous zone of Saint Vincent and the Grenadines;
- (f) the outer limits of the exclusive economic zone of Saint Vincent and the Grenadines;
- (g) the outer limits of the continental shelf of Saint Vincent and the Grenadines;
- (h) the axis of any archipelagic sea lanes of Saint Vincent and the Grenadines;
- (i) any traffic separation scheme in the waters of Saint Vincent and the Grenadines,

and give due publicity to the charts or lists and deposit a copy of each list of co-ordinates with the Secretary-General of the United Nations.

[Section 16 amended by Act No. 8 of 2006.]

17. Overlapping jurisdiction

- (1) Where the rights of Saint Vincent and the Grenadines in relation to—
 - (a) the territorial sea;
 - (b) the contiguous zone;
 - (c) the exclusive economic zone; or
 - (d) the continental shelf,

overlap with the territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf of an adjacent state, until such time as a delimitation agreement is reached, the seaward limits of the affected offshore areas of Saint Vincent and the Grenadines shall extend to the equidistance line between the archipelagic baselines of Saint Vincent and the Grenadines and the territorial sea baselines of the other state.

(2) The temporary offshore boundaries created by subsection (1) shall in no way be interpreted as prejudicing any claims which Saint Vincent and the Grenadines may in the future advance pursuant to the conclusion of maritime boundary delimitation with neighbouring states.

18. Criminal and other jurisdiction

(1) The criminal jurisdiction of Saint Vincent and the Grenadines shall not be exercised on board a foreign ship passing through the territorial sea or archipelagic waters of Saint Vincent and the Grenadines, nor shall any investigation be made in connection with any crime committed, save only in cases where—

- (a) the consequences of the crime extend to Saint Vincent and the Grenadines;
- (b) the crime is of a kind to disturb the peace of Saint Vincent and the Grenadines or the good order of the territorial seas;
- (c) the assistance of the local authorities has been requested by the ship, or by a diplomatic agent or consular officer of the flag state; or
- (d) such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(2) The Minister may make regulations with regard to the customs, fiscal, health, safety and immigration matters over artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines beyond the territorial sea.

19. Regulations relating to the contiguous zone

The Minister may, make regulations relating to the exercise of control in the contiguous zone—

- (a) to prevent infringement of the customs, fiscal, immigration or sanitary regulations in force in the territory or territorial sea of Saint Vincent and the Grenadines; and
- (b) to punish breach of the said regulations committed within the territory or territorial sea of Saint Vincent and the Grenadines.

20. Regulations relating to the exclusive economic zone

The Minister may make regulations regarding the exercise of control in the exclusive economic zone with regards to—

- (a) the exploration and exploitation, conservation and management of living and non-living resources of the seabed and subsoil and superjacent waters;
- (b) other activities for the economic exploitation of the zone;
- (c) the establishment and use of artificial islands, installations and structures;
- (d) marine scientific research;
- (e) the protection and preservation of the marine environment; and
- (f) any other functional area of jurisdiction which may be accorded to coastal states by international law.

21. Regulations relating to the continental shelf

The Minister may make regulations relating to the exercise of control on the continental shelf with regards to—

- (a) the exploration and exploitation of the living and non-living resources;
- (b) the establishment and use of artificial islands, installations and structures; and
- (c) the prevention, reduction and control of marine pollution arising from or in connection with, seabed activities.

22. Safety zones

The Minister may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures to ensure the safety both of navigation and of the artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines.

23. Modification of existing laws

(1) Every law in existence on the 1st November, 1984, shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the provisions made by or under this Act, and the same shall prevail in every case where there is any conflict between any of the provisions and any such existing law.

(2) The expression “**modifications, qualifications and exceptions**” includes the automatic extension, as far as the law applicable to other parts of Saint Vincent and the Grenadines, to the whole of the area within the territorial extent set out in section 9.

(3) Without prejudice to the generality of subsection (1), the Governor-General may, by order made at any time before the 1st November, 1989, make such alterations to any law in existence as is referred to in subsection (1) as may appear to him to be necessary to bring the provisions of the law in accordance with the provisions of subsection (1).

CHAPTER 464 MARITIME AREAS ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
