

CONTINENTAL SHELF ACT 1964, NO. 28 OF 3 NOVEMBER 1964
AS AMENDED BY THE CONTINENTAL SHELF AMENDMENT ACT,
NO. 17 OF 14 NOVEMBER 1977

1. Short Title

This Act may be cited as the Continental Shelf Amendment Act 1977 and shall be read together with and deemed part of the Continental Shelf Act 1964 (hereinafter referred to as "the principal Act").

2. Interpretation

(1) In this Act, unless the context otherwise requires, -

"Continental shelf" means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of the Cook Islands throughout the natural prolongation of the land territory of the Cook Islands, to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (as described in section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977) where the outer edge of the continental margin does not extend to that distance;

"Mineral" includes coal;

"Natural resources" means -

- (a) The mineral and other natural non-living resources of the sea-bed and subsoil; and
- (b) Living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or subsoil.

(2) For the purposes of implementing any international agreement, or for any other purpose in accordance with international law, the High Commissioner may from time to time, by Order in Executive Council, delineate the actual boundaries of the continental shelf.

3. Exploration and exploitation of continental shelf

All rights that are exercisable by New Zealand with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Crown.

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5. Mining for minerals on continental shelf

(1) No person shall prospect or mine for, or carry on any operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued under this section.

(2) The Minister of Mines may from time to time, on application in that behalf, grant to any person a licence authorising the licensee to prospect and mine for, and carry on operations for the recovery of, minerals or of minerals

of any specified kinds in any specified area of the continental shelf.

(3) Every licence granted under this section shall be subject to such conditions as the Minister, when granting the licence, thinks fit to impose in the circumstances of each particular case, including, but without limiting the generality of the foregoing provisions of this section, conditions requiring the licensee -

(a) To comply with such conditions as to safety as are specified in the licence, and for this purpose the Minister may require the licensee to comply with all or any of the provisions as to safety of the Mining Act 1926 or the Coal Mines Act 1925 or of any regulations under either of those Acts, with such modifications as the Minister considers necessary:

(b) To pay to the Crown in respect of minerals recovered by the licensee from the continental shelf such royalties as are specified in the licence.

(4) The grant of a licence under this section shall in every case be in the absolute discretion of the Minister of Mines.

(5) Any number of licences under this section may be granted to the same person.

(6) Subject to the provisions of subsection (3) of this section, nothing in the Mining Act 1926 or in the Coal Mines Act 1925 shall apply with respect to minerals in the sea-bed or subsoil of the continental shelf.

(7) Every person commits an offence, and is liable on summary conviction to a fine not exceeding one hundred pounds, who prospects or mines for, or carries on operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf otherwise than pursuant to a licence under this section and in accordance with the conditions of the licence (not being a condition relating to the payment of royalties to the Crown.)

8. Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources:

(b) Prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation:

(c) Establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf:

(d) Prescribing such measures as the Governor-General considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established:

(e) Regulating or prohibiting the entry of ships into any such safety zone:

(f) Prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea

and the natural resources of the continental shelf from harmful agents:

- (g) Prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf:
- (h) Prescribing the permanent means to be installed from the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf:
- (i) Providing for the removal of installations or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused:
- (j) Prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Governor-General could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines:
- (k) Providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof:
- (l) Prescribing penalties for breaches of the regulations, not exceeding a fine of five hundred pounds.

(2) In this section the term "continental shelf" includes the sea-bed subsoil of the submarine areas within the territorial limits of New Zealand.

9. Act in force in Cook Islands

- (1) This Act, except sections 4 and 6, shall be in force in the Cook Islands.
- (2) In the application of this Act to the Cook Islands -
 - (a) every reference to New Zealand shall be read as a reference to the Cook Islands.