

Continental Shelf Law, Law No. 8 of 5 April 1974

A law to make provision for the exploration and exploitation of the continental shelf of the Republic and for matters connected therewith.

Short title

1. This Law may be cited as the Continental Shelf Law, 1974.

Interpretation

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

"continental shelf" means the seabed and subsoil of the submarine areas adjacent to the coast of the Republic, but beyond the territorial waters, where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas:

Provided that, in relation to any state whose coasts lie opposite those of the Republic, the outer boundary of the continental shelf shall, unless otherwise agreed between the Republic and that State, in no case extend beyond the median line;

"natural resources" means -

- (a) the mineral and other 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 seabed or are unable to move except in constant physical contact with the seabed or the subsoil;

"territorial waters" means the zone delimited by section 2 of the Territorial Waters Law, 1964.

Exploration and exploitation of the continental shelf

3. All rights that are exercisable by the Republic with respect to the continental shelf and its natural resources shall be deemed to be, and always to have been, vested in the Republic.

Application of Laws to continental shelf

4. (1) Subject to the provisions of this Law -

- (a) any act or omission which takes place on, under or above, the waters within five hundred metres of any installation or device (whether permanent or temporary) constructed, placed or used in, on or above, the continental shelf shall be deemed to have taken place in the Republic;

- (b) any such installation or device shall, for purposes of civil and criminal jurisdiction, be deemed to be situated in the district of Nicosia;

- (c) any installation or device and any materials used in the construction thereof, which are brought into the waters

above the continental shelf from beyond the high seas, excluding Cyprus, shall be deemed to have been imported from the time when the installation or device has been constructed or placed in, on or above the continental shelf, and similarly the installation, device or materials and any matter of any description whatsoever shall, when taken away from the waters above the continental shelf and not brought into Cyprus, be deemed to have been exported from Cyprus.

(2) The provisions of any enactment in force in the Republic shall apply to the continental shelf or any part thereof, subject to such modifications and exceptions as the Council of Ministers may provide by order published in the Official Gazette of the Republic.

(3) In this section, the term "device" includes any ship, platform or aircraft, used in connection with any installation.

Interference with exploitation of continental shelf

5. (1) No person shall, without the written authorisation of the Council of Ministers or in contravention of any requirement or condition specified in the authorisation and designed to prevent any interference with the reasonable exploration of the continental shelf and exploitation of the natural resources thereof, lay or maintain any submarine cables or pipelines on the continental shelf.

(2) Any person acting in contravention of the provisions of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred pounds for each day on which the offence takes place or continues or to imprisonment for a term not exceeding twelve months, or to both such penalties, and the Court which tries the offence may order that the cable or pipeline in relation to which the offence was committed shall be removed within such time as may be fixed in the Order.

Regulations

6. The Council of Ministers may make regulations for carrying out the purposes of this Law and, in particular and without prejudice to the generality of the foregoing, make regulations for all or any of the following purposes, that is

- (a) for regulating the construction, assemblage or use of any installation or device in, on or above, the continental shelf;
- (b) for prohibiting the construction, erection or placing of any installation or device in, on or above, the continental shelf at places where they are likely to cause interference with the use of recognised sea lanes essential to coasting or international navigation;
- (c) for 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 the installation or device above the continental shelf;
- (d) for prescribing such measures as may appear to the Council of Ministers to be necessary for the protection of the installation or device in respect of which the safety zone is established;
- (e) for regulating or prohibiting the entry of ships into any safety zone;
- (f) for prescribing such measures as appear to the Council of Ministers to be necessary in the safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful effects;

(g) for prescribing -

(i) the notice to be given of the construction, erection or placing of any installation or device, in, on or above the continental shelf;

(ii) the permanent means or methods of giving warning to ships and aircraft of the presence of the installation or device;

(h) for providing for the removal of any installation or device, constructed, erected or placed in, on or above the continental shelf, which has been abandoned or disused;

(i) for prohibiting or restricting any exploration or exploitation of the continental shelf or any part thereof which may appear to the Council of Ministers to be likely to result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea or to be likely to interfere with national defence or security or with oceanographic or other scientific research;

(j) for prescribing penalties for breaches of the regulations made under this section, that is, of a fine not exceeding one hundred pounds for each day on which the offence takes place or continues or of imprisonment not exceeding six months or both such penalties.

(2) Regulations made under the provisions of this section shall be laid before the House of Representatives. If within thirty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, soon after the expiry of the period hereinafore mentioned, be published in the official Gazette of the Republic and they shall come into force as from such publication. In the event of their amendment, in whole or in part, by the House of Representatives, such Regulations shall be published in the official Gazette of the Republic as amended by the House and they shall come into force as from such publication.

Jurisdiction of District Court of Nicosia

7. Notwithstanding the provisions of section 23 of the Courts of Justice Laws 1960 to 1972, the District Court, Nicosia, shall have exclusive jurisdiction to try all offences under this Law and shall have power to impose any penalty provided by this Law or any regulations made thereunder.