

Maritime Areas Act of 1996

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"Jamaica" has the same meaning as in the Jamaica Independence Act;

"Marine Officer" means any officer employed to the Customs Department, any game warden approved as such under the Wild Life Protection Act, any member or o

thereof.

12. Limits of territorial sea and application of laws with reference thereto

- (1) The territorial sea comprises the waters of so much of the sea adjacent to Jamaica and having:
 - (a) as its landward limit the archipelagic baselines referred to in section 6 (1); and
 - (b) as its seaward limit a line measured from those baselines every point of which is twelve nautical miles from the nearest point of the baselines.

(2) Any reference in enactments to the territorial waters of Jamaica as were expressed in whatever terms or implied immediately before the commencement of this Act, being enactments continuing in force or brought into operation in Jamaica on or after that date, shall, in relation to any period commencing thereon or thereafter, be construed as the territorial sea.

13. Innocent passage in the territorial sea

(1) Subject to the provisions of this Act, vessels of all States enjoy the right of innocent passage through the territorial sea.

(2) Passage referred to in subsection (1) shall be continuous and expeditious, but shall allow for stopping and anchoring in so much as stopping and anchoring are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress.

(3) For the purposes of subsections (1) and (2) "passage" means navigation through the territorial sea for the purpose of:

(a) traversing that sea without entering the internal waters or calling at a roadstead or port facility outside the internal waters; or

(b) proceeding to or from the internal waters or calling at such roadstead or port facility as is mentioned in paragraph (a).

(4) An underwater vessel which is in the territorial sea in exercise of its right of innocent passage shall be required while in such sea to navigate on the surface thereof and fly its flag.

(5) Foreign vessels exercising the right of innocent passage through the territorial sea may be required, in the interest of safety of navigation and the regulation of the passage of vessels, to use designated sea lanes or such traffic separation schemes as may be prescribed.

(6) The Minister may, by order published in the Gazette, suspend temporarily the right of innocent passage in such areas of the territorial sea as are specified in the Order if such suspension is essential for the protection of the security of Jamaica.

(7) A captain or person in charge of an underwater vessel who contravenes the provisions of subsection (4), commits an offence and is liable on conviction on indictment in a Circuit Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.



(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding twenty-five years or to both such fine and imprisonment.

18. Non-innocent passage

(1) The passage of a foreign vessel shall be considered to be prejudicial to the peace, good order or security of Jamaica, that is to say, the passage is not innocent if, while in the archipelagic waters or the territorial sea, such vessel engages in:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Jamaica or acts in any other manner in violation of the principles of international law;
- (b) any exercise or practice with weapons of any kind;
- (c) any act in contemplation of collecting information which would be prejudicial to the defence or security of Jamaica;
- (d) any act of propaganda calculated to affect the defence or security of Jamaica;
- (e) the launching of, landing on or taking on board of any aircraft or military device;
- (f) the loading or unloading of any commodity, currency or person contrary to any laws relating to customs, excise, immigration or sanitation or regulations made thereunder;
- (g) the wilful discharge of any substance which causes pollution, in contravention of the Montego Bay

is twenty-four nautical miles from the nearest point of the baselines.

20. Criminal jurisdiction in contiguous zone

(1) There is vested in the Crown authority in the contiguous zone to take such measures as are necessary to prevent in Jamaica, the archipelagic waters or the territorial sea thereof, the infringement, by any person or vessel, of the provisions of any enactment relating to customs, fiscal matters, immigration or sanitation and to arrest any person who or vessel which contravenes such laws or regulations.

(2) A Marine Officer shall have, pursuant to the jurisdiction vested in the Crown under subsection (1), power to arrest for any infringement of the provisions of any enactment relating to the matters specified therein.

21. Limit of continental shelf

(1) Subject to subsection (3), the continental shelf comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Jamaica to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines established in accordance with section 6 where the outer edge of the continental margin does not extend to that distance.

(2) Where t

constant physical contact with the seabed or the subsoil.

GENERAL

23. Ship or person having immunity of State of registration or nationality

(1) Where, pursuant to section 18 (1), the passage of a foreign vessel is considered to be prejudicial to the peace, good order or security of Jamaica, and that vessel or any person on board such vessel who participates in any activity considered to be so prejudicial is entitled to state or other immunity recognized by law, then the State of such vessel or the State of nationality of that person shall be deemed to have international responsibility for the activity of the vessel or person, as the case may be.

(2) Where under subsection (1) the State of a foreign vessel or the State of nationality of a person is deemed to have international responsibility, the Minister shall take such steps as are necessary to obtain all remedies which are available under international law.

24. Powers of Marine Officer

(1) Where a foreign vessel is being used to carry out any activity specified in section 18 (1) or where a Marine Officer has reasonable cause to suspect that a foreign vessel is being so used, it shall be lawful for the Marine Officer to stop and board such vessel for the purpose of:

- (a) carrying out investigations into the activity;
- (b) giving directions to the captain or person in charge of such vessel, or any other person on board in pursuance of the provisions of this Act;
- (c) requiring any person o

- (iii) constructs, operates, maintains and uses any artificial islands, installations or structures, without being so authorized in writing by the competent authority;
 - (f) any vessel used to explore or exploit the natural resources pursuant to paragraph (e) (i) and seize any equipment used to carry out any of the activities specified in paragraph (e) (ii) and (iii);
 - (g) any person who:
 - (i) fails to comply with a directive for the prevention, reduction or control of pollution from pipelines in the continental shelf;
 - (ii) aids and abets such person;
 - (h) any person who obstructs a Marine Officer in the carrying out of his functions under this Act.
- (3) A Marine Officer acting pursuant to subsection (1) or (2) shall ensure that the safety of navigation is not endangered or that no hazard is created in respect of any foreign vessel or underwater vessel or that such foreign vessel or underwater vessel is not brought to an unsafe port or anchorage or that the marine environment is not exposed to unreasonable risk.
- (4) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

25. Proceedings against the Crown or Marine Officer

In any action or legal proceedings brought against any Marine Officer or person acting in his aid in respect of

continental shelf are measured;

(b) the seaward limits of the territorial sea, the contiguous zone or the continental shelf;

(c) the axis of sea lanes or traffic separation schemes.

(3) The Minister shall:

(a) by notification in the Gazette publish, whether by way of charts or lists, the baselines referred to in subsection (2) (a); and

(b) cause a copy of such charts or lists to be deposited with the Secretary-General of the United Nations.

27. Offences

(1) Any person who:

(a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;

(b) subject to subsection (2), refuses or fails to produce any licence which he is required by a Marine Officer to produce;

(c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act; or

(d) assaults or obstructs any Marine Officer in the execution of his duty,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment; and in addition the Court may order the forfeiture of any vessel or equipment which is used to carry out such activity.

(2) Any person:

(a) who is in charge of a foreign vessel which is used to carry out any activity which is prejudicial to the peace, good order or security of Jamaica; or

(b) who on board such foreign vessel participates in any such activity,

commits an offence and is liable on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(3) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credibility of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer; and if the licence is so produced that person shall not be convicted of an offence under that subsection.

28. Regulations

The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in

particular, but without prejudice to the generality of the foregoing, may make regulations for:

- (a) charts or geographical coordinates to be officially recognized as indicating archipelagic baselines and the admission in evidence of such charts or geographical lists or copies thereof certified in the prescribed manner;
- (b) defining the limits of the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (c) regulating the construction, maintenance and removal of artificial islands, installations and structures on the continental shelf;
- (d) regulating customs, excise, health, safety and immigration matters in the contiguous zone;
- (e) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessels or underwater vessels and persons thereon and the imposition of penalties;
- (f) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (g) regulating any activity relating to economic exploration or exploitation of the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (h) regulating the authorization, control and supervision of scientific research in the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (i) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (j) the safety of navigation and regulation of marine traffic;
- (k) the conservation of living resources in the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (l) the regulation of the use of the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;

29. Repeal of certain enactments

The following enactments are hereby repealed:

- (a) the Territorial Sea Act; and
- (b) the Jamaica (Alteration of Boundaries) Order in Council, 1948.

PASSED in the House of Representatives this 3rd day of July, 1996.