

Maritime Zones Act, 1999 (Act No. 2 of 1999)

(3) Seychelles has and may exercise in respect of the contiguous zone such powers and authorities as may be necessary to prevent or punish the infringement within Seychelles, including the territorial sea and archipelagic waters, of any written law with respect to customs, fiscal, immigration or sanitation.

PART III
EXCLUSIVE ECONOMIC ZONE
AND CONTINENTAL SHELF

- (ii) The protection of navigational aids and facilities and other facilities or installations;
 - (iii) The protection of cables and pipelines;
 - (iv) The conservation of the living resources of the sea;
 - (v) The prevention of the infringement of fisheries laws and regulations of Seychelles;
 - (vi) The prevention of the infringement of customs, fiscal, immigration or sanitary laws and regulations of Seychelles;
 - (vii) Marine scientific research and hydrographic surveys;
 - (viii) The preservation of the environment of Seychelles and the prevention, reduction and control of pollution;
- (b) All generally accepted international regulations relating to the prevention of collision at sea.

18. (1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise the right of archipelagic sea lanes passage.

(2)

(5) Where no sea lanes or air routes through or over archipelagic waters have been designated under section 19, the right of archipelagic sea lanes passage may be exercised through lanes or routes normally used for international navigation.

(6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure.

(7) In this section, “right of archipelagic sea lanes passage” means the right of navigation and overflight in normal mode for the purpose of continuous, expeditious and unobstructed transit between:

- (a) One part of the high seas or the exclusive economic zone; and
- (b) Another part of the high seas or the exclusive economic zone.

19. The President may, by Order published in the Gazette:

- (a) Designate sea lanes and air routes to be used for or in connection with the exercise of the right of archipelagic sea lanes passage under this Act; and
- (b) Prescribe traffic separation schemes.

PART V
JURISDICTION, ENFORCEMENT
AND OFFENCES

20. (1) Subject to subsection (2) and section 23, Seychelles does not have criminal jurisdiction in respect of an

(v) The ship is passing through the territorial sea after leaving the internal waters of Seychelles.

(3) The authorities of Seychelles may not:

(a) Arrest a person on board a foreign ship which is proceeding from a foreign port and passing through the territorial sea without entering internal waters of Seychelles in respect of a contravention committed before the ship entered the territorial sea; or

(b) Conduct an investigation on board a foreign ship in respect of the contravention:

Unless the authorities of Seychelles:

(c) Have reasonable ground for believing that as a result of the contravention there has been a substantial discharge causing or threatening significant pollution of the marine environment; or

(d) Have reasonable ground for believing that as a result of the contravention there has been a discharge causing major damage or the threat of major damage to the coastline of Seychelles or any resource of its territorial sea or exclusive economic zone.

(4) Where subsection (3)(c) applies, the authorities of Seychelles may, where the ship refuses to give the authorities information about its identity, port of registry, last and next ports of call and any other information required to establish whether contravention of a kind referred to in subsection (3)(c) has occurred, undertake a physical inspection of the ship.

(5) Where subsection (3)(d) applies, the authorities of Seychelles may, unless the ship has posted reasonable bond or other security, detain the ship until the determination of the case.

21. (1) Subject to this section, a foreign ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(2) Subject to subsection (3), a person shall not arrest or levy execution against a foreign ship 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 ship in the course, or for the purpose, of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

22. (1) A court in Seychelles has jurisdiction over the territory of Seychelles which includes the internal waters, the archipelagic waters and the territorial sea of Seychelles.

(2) The jurisdiction and power of the courts in Seychelles extend to the exclusive economic zone and the continental shelf of Seychelles for the purposes of giving effect to this Act and any other written law extended to the exclusive economic zone or the continental shelf under section 30.

23. (1) Where an authorized officer has reasonable ground to suspect that a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security o

without a warrant:

- (a) Stop, board and search the ship for the purpose of investigating the contravention or the activity;
 - (b) Require to be produced, examine and make copies of any licence or log book, ship record or other shipping document;
 - (c) Arrest the ship;
 - (d) Arrest the captain or person in charge of the ship or any other person on the ship or who participated in the contravention or activity referred to in this subsection.
- (2) 2)

(5) On a prosecution for an offence under subsection (1) it is a sufficient defence if the accused proves that the ship had, under section 17(4)(b), authority under this Act to do or engage in the act or activity which is the subject of the offence.

25. (1) Subject to this Act, a person shall not within the exclusive economic zone or on the continental shelf:

- (a) Explore or exploit any resources of the exclusive economic zone or the continental shelf;
- (b) Carry out any search or excavation;
- (c) Conduct any research;
- (d) Drill on or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device; or
- (e) Carry out any economic activity,

except under or in accordance with an agreement with Seychelles under this Act or another written law.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

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30. (1) The President may, by Order published in the Gazette, extend, with such exceptions and modifications as may be specified in the Order, the application of any written law to the exclusive economic zone or the continental shelf or any part thereof, and an enactment so extended shall have effect in relation to the exclusive economic zone or the continental shelf as the case may be.

(2) An Order made under subsection (1) shall be consistent with the international obligations of Seychelles.

31. Where a provision of this Act is in conflict with the provision of any other written law, the provision of this Act shall prevail.

32. (1) A reference in a written law:

(a) To “territorial waters” shall, in relation to any period after the commencement of this Act, be deemed to be a reference to the territorial sea construed in accordance with section 4;

(b) To a maritime zone shall, in relation to any such period, be construed in accordance with the provision of this Act relating to that zone.

(2) In subsection (1)(b), “maritime zone” means:

(a) The internal waters;

(b) The archipelagic waters;

(c) The territorial sea;

(d) The contiguous zone;

(e) The exclusive economic zone; or

(f) The continental shelf.

33. (1) The President may make such regulations as the President considers necessary for carrying out the purposes of this Act and without prejudice to the foregoing, the President may make regulations for all or any of the following matters:

(a) The regulation of the conduct of any person in the archipelagic waters or territorial sea, in the exclusive economic zone or on the continental shelf;

(b) Regulating, in relation to the exclusive economic zone:

(i) The exploration for, and exploitation, conservation and management of, natural resources (other than sedentary species) whether living or non-living, of the seabed, sub-soil and superjacent waters;

(ii) Other activities for the economic exploitation of the exclusive economic zone;

(iii) The protection and preservation of the marine environment and the prevention and control of marine pollution;

(iv) The construction, operation and use of artificial islands, installations and structures; and

(v) The authorization and control of marine scientific research;

