

Maritime Areas Act, 1983
(1)(Act No. 15 of 19 May 1983)

An act to declare the Maritime Areas and for matters incidental thereto and connected therewith.

1. This Act may be cited as the Maritime Areas Act, 1983 and shall come into operation on such date as the Governor General may, by Proclamation, specify.

2. 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 the 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 for Foreign Affairs;

"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, archipelagic waters and territorial sea of Saint Vincent and the Grenadines.

3. 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. 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. The territorial sea of Saint Vincent and the Grenadines comprises the waters from its archipelagic baseline seaward to a limit of 12 nautical miles.

6. 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 24 nautical miles.

7. 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 200 nautical miles.

8. 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 200 nautical miles.

9. 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. (1) Subject to subsections (2) and (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 ship 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 regulation of maritime traffic;

(b) The protection of navigation 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 prevention 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 published 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 of the security of Saint Vincent and the Grenadines.

11. (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 of 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, 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) Such other activity as may be prescribed.
 - (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 subsection (2) of section 10.
12. (1) The Minister may, by order published 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 the Grenadines than ten percent 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 from time to time.
13. (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 or 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 Organization as they apply to civil aircraft and every state aircraft shall normally comply with such safety measure 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 maritime scientific research and hydrography survey ship, may not carry out any research or survey activities without prior authorization of the Minister.

14. (1) The Minister may, by notification in the Gazette, 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 lesser 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. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, the Minister shall refer proposals to the International Maritime Organization, or its successors, with a view to their adoption.

16. The Minister shall publish charts and lists of coordinates of:

(a) the low water mark of all the islanders 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 and lists and deposit a copy of each chart or list with the Secretary-General of the United Nations.

17. (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. (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 in connection with any crime committed, save only in cases where:

- (a) The consequences of the crime extend to Saint Vincent and the Grenadines; or
- (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, by notification in the Gazette, 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. The Minister may, by notification in the Gazette, 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 on 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. The Minister may, by notification in the Gazette, make regulations regarding the exercises of control in the exclusive economic zone with regard to:

(a) the exploration and exploitation, conservation and management of living and non-living resources of the seabed and subsoil and the 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. The Minister may, by notification in the Gazette 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. 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. (1) Every law in existence at the commencement of this Act 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 'Modification, adoptions, qualifications and exceptions' shall include 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 expiration of five years from the commencement of the Act, 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 91).

Passed in the House of Assembly this 19th day of May 1983.

Endnotes

1 (Popup - Popup)

114