UNITED NATIONS LEGISLATIVE SERIES

LAWS AND REGULATIONS
ON THE
REGIME OF THE
TERRITORIAL SEA

UNITED NATIONS
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1957
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INTRODUCTION

This volume of the *United Nations Legislative Series* is based on a collection of laws and regulations concerning the régime of the territorial sea, prepared for the use of the International Law Commission in its work on this subject. It consists of two parts: the first reproduces the texts of provisions of national legislation; the second reproduces the texts of provisions of treaties and international agreements. Both parts contain provisions relating to the following specific subjects:

1. Juridical status, breadth and delimitation of the territorial sea;
2. Legal régime concerning ships, other than warships, in the territorial sea;
   a. Navigation, security, fiscal, customs and sanitary matters;
   b. Criminal and civil jurisdiction;
3. Legal régime concerning warships in the territorial sea;
4. Fishing in the territorial sea;
5. Application of neutrality laws in the territorial sea.

In the first part, each of these five subjects is dealt with in a separate chapter in which the texts of the legislative provisions relating to the subject in question are reproduced. Not infrequently, a particular enactment contains provisions which concern two or more subjects. In these cases, the text of the enactment is reproduced in one chapter, and in the other chapters in which it is also relevant a simple reference to the same enactment is given.

The second part consists of two chapters: Chapter I. *Multilateral treaties* and Chapter II. *Bilateral treaties*. In both chapters, the treaty provisions are reproduced in the chronological order of the date of the instruments.

Each of the two parts is preceded by a subject index which refers the reader to the provisions relating to each of the five subjects mentioned above.

So far as the first part of the volume is concerned, it is based on information supplied by Governments in response to a request addressed to them by the Secretary-General. It has only been possible to include information supplied before November 1956, when this volume was sent to the printer. Even as regards information supplied before that date it has not, for reasons of space, been possible to reproduce all the texts received from or indicated by Governments.

The second part of the volume should not be regarded as containing all the treaties that relate in one way or another to the régime of the territorial sea. Nor does the inclusion of a treaty or part of a treaty in this volume necessarily imply that the provision concerned is still in force. It is believed, however, that the texts reproduced in the second part of the volume constitute a representative selection of the provisions of treaties and other international agreements relating to the régime of the territorial sea which have been in force in recent years, and which in most cases still are in force.

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1 Additional enactments, received after November 1956, have been placed in the annex to this volume.
First Part

NATIONAL LEGISLATION
### Subject Index

#### Chapter I

**Juridical Status, Breadth and Delimitation of the Territorial Sea**

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Chapter II

Legal régime concerning Ships, other than Warships, in the Territorial Sea

SECTION A

Navigation, Security, Fiscal, Customs and Sanitary Matters

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(a) Penal Code of 1 September 1886, as amended, article 2  

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* (a) Offences at Sea Act, 1953, sections 2, 4, 5, 6  

* (b) Shipping and Seamen Act of 1952, Parts VIII, XV, XVI  

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Chapter III

Legal Régime concerning Warships in the Territorial Sea

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* (d) Décret du 1er octobre 1934, article 2

* (e) Code des douanes du 8 décembre 1948, articles 63, 276

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* (a) Decree No. 191 of 9 April 1935, articles 54-60, 63, 65-68

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Italy

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* (a) Décret du 29 septembre 1929 du Président de la République française portant règlement, pour le temps de paix, des conditions d'accès et de séjour des bâtiments de guerre étrangers dans les mouillages et ports du littoral de la France et des pays placés sous le protectorat ou le mandat français (décret en vigueur au Liban)

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(b) Royal Decree of 29 April 1931 governing the admission of foreign military aircraft to Netherlands territory, as amended, articles 1, 2, 5-11

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Chapter I

JURIDICAL STATUS, BREADTH AND DELIMITATION OF THE TERRITORIAL SEA

Australia

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(b) Navigation Act, 1912-1953, section 383
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(c) Beaches, Fishing Grounds and Sea Routes Protection Act, 1932, section 5
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(d) Territorial Waters Jurisdiction Act, 1878, section 7 (An Act of the Parliament of the United Kingdom in force in Australia)
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(e) Merchant Shipping Act, 1894, section 688 (An Act of the Parliament of the United Kingdom in force in Australia)
   (infra, Chapter II, Section A, under United Kingdom (a)).

States of Australia

Fisheries Act, 1928 \(^1\) (Victoria)

3. In this Act unless inconsistent with the context or subject-matter —

"Waters" includes all ports harbors lakes rivers creeks streams watercourses and lagoons in Victoria whether salt fresh or brackish and also all reservoirs dams tanks channels or works for water storage or distribution vested in or under the control of the Crown or any statutory authority and any part of the sea within a distance of three miles from any part of the coast of Victoria and any bay estuary or other inlet of the sea, but not any water or waters the property of any private individual.

\(^1\) The Victorian Statutes, 1929, vol. II, p. 559.
of Australia (c)); Fisheries Act, 1935 (Tasmania), section 3 (infra, Chapter IV, under States of Australia (g); Fisheries Act, 1905-1951 (Western Australia), section 3 (infra, Chapter IV, under States of Australia (h)).

Belgique

(a) Arrêté royal du 22 janvier 1929, article 2
   (infra, Chapitre II, Section A, Belgique (a))
(b) Loi du 7 juin 1832, article 1
   (infra, Chapitre II, Section A, Belgique (d))
(c) Loi du 19 août 1891, article 1
   (infra, Chapitre IV, Belgique (a))
(d) Arrêté royal du 29 octobre 1928, article 1
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(f) Déclaration et règles de neutralité du 3 septembre 1939,
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   (infra, Chapitre V, Belgique)

Brazil

(a) Note verbale du Ministère des Affaires étrangères à la Lé-
gation de Norvège à Rio-de-Janeiro, en date du 4 mai 1950

I have the honor to advise Your Excellency that as long as the proper authorities do not definitely fix the extent of the territorial sea of Brazil for purposes of local jurisdiction, the distance of three maritime miles, which has until now been adopted, in principle, by the Brazilian Government, shall remain unaltered for the purposes of neutrality in the present war which is being waged by various powers.

Note. See also: Regulations concerning port officers annexed to Decree No. 5796 of 11 June 1940, article 17 (infra, Chapter II, Section A, under Brazil); and Legislative Decree No. 794 of 19 October 1938, article 2 (infra, Chapter IV).

1 Cour internationale de Justice, Affaire des pêcheries (Royaume-Uni c. Nor- vège), vol. III, p. 661.
Bulgaria

Decree of 10 October 1951 concerning the territorial and inland waters of the People’s Republic of Bulgaria, sections 1-6

(infra, Chapter II, Section A, under Bulgaria (a))

Cambodge

Note du 16 décembre 1955 reçue du Ministère des Affaires étrangères du Royaume de Cambodge

En me référant à votre lettre no LEG 292/9/01 du 12 août 1955, j’ai l’honneur de vous faire connaître que le Cambodge ne possède pas, en matière de « mer territoriale », de législation propre élaborée depuis son accession au statut d’État souverain et indépendant. Il suit actuellement les principes juridiques en vigueur en droit français.

Canada

(a) Canada Shipping Act, 1934, sections 693, 710 (1)

(infra, Chapter II, Section A, under Canada (a))

(b) Customs Act, section 2, paragraph 1 and Schedule

(infra, Chapter II, Section A, under Canada (b))

(c) Criminal Code, 1954, section 420, paragraph 1

(infra. Chapter II, Section B, under Canada (a))

(d) Coastal Fisheries Protection Act, 1953, section 2 (b)

(infra, Chapter III, under Canada (b))

Ceylon

(a) Customs Ordinance, 1 January 1870, as amended, section 65

(infra, Chapter II, Section A, under Ceylon (g))

(b) Fisheries Ordinance No. 24 of 1940, as amended, section 27

(infra, Chapter IV, under Ceylon (a))

(c) Chanks Ordinance, 30 June 1891, as amended, section 28 and Schedule B

(infra, Chapter IV, under Ceylon (b))

(d) Whaling Ordinance of 4 July 1936, section 11

(infra, Chapter IV, under Ceylon (c))

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In his Note of 5 March 1956, the Permanent Secretary, Ministry of External Affairs, Ceylon, stated: “In all enactments passed before 1948, amendments have been effected resulting from a change of Constitution and such amendments to the above enactments are published in the following Gazette of the Ceylon Government:

“Gazette Extraordinary No. 9773 dated 24.9.1947
“Gazette Extraordinary No. 9828 dated 5.2.1948
“Gazette Extraordinary No. 9836 dated 25.2.1948
“Gazette Extraordinary No. 9889 dated 28.7.1948.”
(a) **CIVIL CODE, 14 DECEMBER 1855**

Article 593. The adjacent sea, up to a distance of one marine league, measured from the low-water mark, constitutes the territorial sea and belongs to the public domain; save that the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of four marine leagues, measured in the same manner.

Article 611. Any person may freely engage in fishing on the seas, save that only Chileans and aliens domiciled in Chile may fish in the territorial sea.

Any person may also freely engage in fishing in rivers and lakes reserved for public use.

Article 640. All property seized in wars between nations, whether from enemies, neutrals, allies or nationals, as the case may be, shall vest in the State, which shall dispose of the same in conformity with Admiralty and Prize Ordinances.

(b) **PRESIDENTIAL DECLARATION, 23 JUNE 1947, CONCERNING THE CONTINENTAL SHELF**

The President of the Republic hereby declares:

1. The Government of Chile confirms and proclaims its national sovereignty over all the continental shelf adjacent to the continental and island coasts of its national territory, whatever may be their depth below the sea, and claims by consequence all the natural riches which exist on the said shelf, both in and under it, known or to be discovered.

2. The Government of Chile confirms and proclaims its national sovereignty over the seas adjacent to its coasts whatever may be their depths, and within those limits necessary in order to reserve, protect, preserve and exploit the natural resources of whatever nature found on, within and below the said seas, placing within the control of the government especially all fisheries and whaling activities with the object of preventing the exploitation of natural riches of this kind to the detriment of the inhabitants of Chile and to prevent the spoiling or destruction of the said riches to the detriment of the country and the American continent.

---


(3) The demarcation of the protection zones for whaling and deep sea fishery in the continental and island seas under the control of the Government of Chile will be made in virtue of this declaration of sovereignty at any moment which the Government may consider convenient, such demarcation to be ratified, amplified, or modified in any way to conform with the knowledge, discoveries, studies and interests of Chile as required in the future. Protection and control is hereby declared immediately over all the seas contained within the perimeter formed by the coast and the mathematical parallel projected into the sea at a distance of 200 nautical miles from the coasts of Chilean territory. This demarcation will be calculated to include the Chilean islands, indicating a maritime zone contiguous to the coasts of the said islands, projected parallel to these islands at a distance of 200 nautical miles around their coasts.

(4) The present declaration of sovereignty does not disregard the similar legitimate rights of other States on a basis of reciprocity, nor does it affect the rights of free navigation on the high seas.

China

NOTE OF 9 FEBRUARY 1956 FROM THE PERMANENT MISSION OF CHINA TO THE UNITED NATIONS

"...No legislation dealing with the matter has been enacted in China..."

Note. See Customs Preventive Law of 19 June 1934 (infra, Chapter II, Section A, under China (d)).

Colombia

(a) LAW NO. 14 AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS, 31 JANUARY 1923

Article 17. For the purposes of Article 38 of Law 120 of 1919, concerning deposits of hydrocarbons, and of Law 96 of 1922, relating to fishing in the seas of the Republic, the term “territorial sea” shall be understood to refer to a zone of twelve marine miles around the coasts of the continental and insular dominions of the Republic.

Note. Article 38 of Law 120 of 1919 (Leyes expedidas por el Congreso Nacional en su legislatura de 1919 (segunda edición, 1940), p. 415), contained the following provision:

"The Nation reserves the right to exploit deposits which are situated under the waters of the territorial sea, of the lakes and navigable rivers. In order to enable the verification of the exploitation of these deposits, it is necessary that all contracts authorizing such an exploitation be confirmed by the Congress."

Law 96 of 1922 (Leyes expedidas por el Congreso Nacional en su legislatura de 1922 (segunda edición, 1940), p. 152) authorized the Govern-
ment “to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest”.

(b) **Decree No. 389 of 26 February 1931 defining certain terms used in Acts relating to State property**

The President of the Republic of Colombia, by virtue of his legal powers, and

**Considering** that the natural and obvious meaning of certain words used in the Acts relating to State property is not sufficiently comprehensive and exact for the correct application of those texts,

**Decrees:**

**Article 1.** For purposes of the application of Article 52 of the Fiscal Code, the term “national coastline” shall mean a zone 2 kilometres wide, parallel to the high-water line.

For the purposes of the same article, the term “boundary area” shall mean a zone 2 kilometres wide, parallel to the frontier.

**Sub-paragraph.** The intermediate plots which, in accordance with the same article of the Fiscal Code (Act No. 110 of 1912), are to be reserved to the State, shall as far as possible be in the form of a rectangle, the base of which, facing the sea or the frontier, shall be 5 kilometres in length and 2 kilometres in width.

**Article 2.** The term “maritime shore” shall mean the flat or nearly flat area between the low-tide and high-tide marks; the term “river shore” shall mean the flat or nearly flat area between the low-water mark of a river and the normal high-water mark.

**Article 3.** For purposes of the application of Article 6 of Act No. 85 of 1920, the term “national shores” shall mean those uncultivated lands which are periodically inundated by the sea or by the flooding of rivers.

*Note.* See also: Customs Law No. 79 of 19 June 1931, articles 363, 367 (*infra*, Chapter II, Section A, under Colombia).

**Costa Rica**

**Constitution of the Republic of Costa Rica of 7 November 1949**

**Article 6.** The State exercises complete and exclusive sovereignty over the air space above its territory and over its territorial waters and continental shelf, in accordance with principles of International Law and with treaties in effect.

*Note.* See also: Regulation No. 363 of 11 January 1949, article 1 (*infra*, Chapter IV, under Costa Rica (b)).

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1 Diario Oficial, No. 21633 of 5 March 1931, p. 454.
(a) **Organic Law of the Army and Navy, approved by Decree-Law No. 7 of 27 January 1942**

**Article 36.** For the purposes of this law, the jurisdictional waters (the territorial sea) shall extend to a distance of three nautical miles from the coasts of the Republic, to be reckoned from the low-water mark on the keys or adjacent islands farthest from the mainland, and running parallel to the contour of the national territory and its keys and islands. The maritime customs zone shall extend to a distance of twelve nautical miles from the coast from the high-water mark, that is to say the distance of four leagues referred to in article 9 of the Customs Ordinances now in force. All places intended to serve for naval purposes shall be regarded as naval bases; they shall include dockyards, arsenals, stores, naval academies, forts, buildings and any area the boundaries of which have previously been fixed by the President of the Republic and in which naval forces are or are to be encamped. During campaigns or manoeuvres, the following shall also be regarded as naval bases: on land, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the advanced posts; and at sea, when more than two vessels are engaged, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the waters immediately surrounding the vessels, such limits to be determined by the officer acting as commanding officer in charge of the manoeuvres in question.

(b) **Decree No. 335 of 10 February 1942 (Organic Act relating to the Navy. Division of Coasts and Jurisdictional Waters of Cuba into Three Naval Districts)**

*Whereas* the Organic Act relating to the Navy contained in Decree-Law (Acuerdo-Ley) No. 7 of 27 January 1942, published in the special number of the *Gaceta Oficial* of 31 January, provides that the coasts and jurisdictional waters of Cuba shall, for purposes of command and security and for naval and military requirements be divided into a suitable number of districts; and empowers the President of the Republic to delimit the coastal zone constituting each district and to select a part to be the headquarters of each; *Now therefore*, I (the President), by virtue of the powers vested in me, and on the recommendation of the Chief of Naval Staff, the proposal of the Minister for Defence, and the advice of the Council of Ministers, I **DO HEREBY DECREE:**

1. In order most suitably to give effect to the provisions of the Organic Law relating to the Navy, the coasts and jurisdictional waters of Cuba shall from the date of the present Decree be divided into three naval districts, the names, boundaries and headquarters of which shall be as follows:

   **Northern Naval District:** Headquarters in Havana Bay; the northern coastal zone of the island from Cape San Antonio in the province of Pinar del Rio to Point Canado in the province of Camagüey.

---


EASTERN NAVAL DISTRICT: Headquarters in Santiago de Cuba Bay; the northern and southern coastal zone of the island from Point Ganado in the province of Camagüey on the north to Point Sevilla in the same province on the south, including Cape Maisi.

SOUTHERN NAVAL DISTRICT: Headquarters in Cienfuegos Bay; the southern coastal zone of the island from Point Sevilla in the province of Camagüey to Cape San Antonio in the province of Pinar del Río, with the coasts of the Isle of Pines.

Each of the said naval districts shall include the inlets, anchorages, bays and rivers in its section of the coast, with the strip of shore comprising the security and salvage zone; that is to say a strip extending the whole length of the coast and measuring twenty metres inland from high-water mark.

(c) LEGISLATIVE DECREE No. 1948 OF 25 JANUARY 1955 RELATING TO THE TERRITORIAL SEA

Article 1. The waters situated between the coast of the Island and the adjacent keys are hereby declared internal waters, in so far as neither the distance between the said coast and the keys nor the distance between one key and another exceeds ten miles.

Article 2. The State is hereby empowered to take whatever legislative administrative or technical action is necessary for the protection and conservation of the maritime resources in the zones of the high seas contiguous to the territorial sea of Cuba.

Note. See also: Customs Regulations of 22 June 1901, articles 9, 64, 79, 244 (infra, Chapter II, Section A, under Cuba (a)); Legislative Decree No. 1942 of 25 January 1955, article 12 (infra, Chapter II, Section A, under Cuba (b)); Code of Social Defense of 4 April 1936, article 7 (infra, Chapter II, Section B, under Cuba (a)); Legislative Decree No. 704 of 28 March 1936, articles 4, 5 (infra, Chapter IV, under Cuba (a)).

Denmark

(a) ROYAL ORDER OF 22 FEBRUARY 1812 ON THE EXTENT OF DANISH TERRITORIAL WATERS

It is Our most gracious Will that it shall be established as a rule in all cases where the question is of fixing the limit of Our territorial sovereignty out into the sea, that it shall be calculated until the distance of the ordinary sea league from the extremest island and islet from the land which is not overflowed by the sea; about which all parties concerned are to be instructed by rescript.

---

(6) Avis no 497 du 21 décembre 1923 sur la délimitation de la frontière en application des dispositions du Traité de Versailles

La Commission de délimitation des frontières créée conformément aux dispositions de l'article 111 du Traité de Versailles et composée des représentants du Danemark, de l'Allemagne, du Royaume-Uni, de la France, de l'Italie et du Japon, ayant fixé le tracé de la frontière et procédé à sa délimitation, a décidé le 25 novembre 1920 que la nouvelle ligne-frontière deviendrait effective à compter du 1er janvier 1921 à 8 heures du matin, conformément à l'avis publié à cet effet dans le « Statstidende » no 221 du 24 décembre 1920.

Au cours de la réunion finale de la Commission qui s'est tenue le 3 septembre 1921 à Paris, il a été décidé que les documents préparés par la Commission, examinés et approuvés par les Parties danoise et allemande, à savoir :

1) Description de la frontière,

représentent officiellement la nouvelle frontière entre le Danemark et l'Allemagne (Prusse) telle qu'elle a été arrêtée par la Commission ...

La description de la frontière mentionnée ci-dessus est ainsi libellée :

*Description de la frontière entre l'Allemagne (Prusse) et le Danemark*

Frontière maritime. — Mer Baltique

Cette frontière qui est déterminée par 13 éléments de lignes droites :

1° part d'un point situé à 54°49'16",3 de latitude nord et 9°56'38",2 de longitude est de Greenwich, qui en constitue l'extrémité est, et prend la direction du moulin de Dybbøl jusqu'à sa rencontre avec la ligne Kejnaes (Kekenis) — moulin de Westerholz.

2° de là, elle se dirige vers le moulin de Westerholz,

3° emprunte la ligne médiane du secteur de feu de Holnis,

4° puis celle des feux de Skodsbøl et

5° celle des feux de Ringenaes;

6° elle abandonne cette dernière ligne à 200 m. environ, avant d'arriver à la hauteur de la bouée « G » pour rejoindre un point de l'alignement des feux de Laagmaj formant à peu près le milieu de la distance comprise entre la bouée rouge « H » et la bouée noire « Z »;

7° de là, elle suit l'alignement des feux de Laagmaj jusqu'à sa rencontre avec une ligne déterminée par le feu de Holnis et un point de latitude nord 54°50'00",0 et de longitude est de Greenwich 9°28'00",0;

8° elle emprunte ensuite cette ligne jusqu'au point de coordonnées ci-dessus;

9° de là, elle prend la direction de 315° (à compter du nord vers l'est), jusqu'à 400 m. de la ligne de 3 brasses de la rive nord du fiord, puis

10°, 11°, 12°, 13° rejoint le milieu du pont de Skomagerhus (Schuster-kathe) par 4 éléments de lignes droites à peu près parallèles à la rive nord du fiord.


A partir de l'extrémité est de la frontière, la ligne de séparation des eaux territoriales suit vers le sud-est le prolongement de l'élément de frontière no 1 en empruntant la médiane du chenal principal de navigation au sud du Breitgrund jusqu'à son intersection avec la ligne Pöhls Huk — phare de Schleimünde, puis, de là jusqu'à la mer libre, une direction perpendiculaire à cette dernière ligne.

Frontière maritime — Mer du Nord

Cette frontière comprend 9 éléments de lignes droites:

1° Elle part de l'extrémité de la frontière terrestre près de Siettoft, perpendiculairement à la côte, jusqu'en un point situé à égale distance de la côte et de la pointe est de l'île de Sylt dite Nöse et,

2° remonte vers le nord jusqu'à la bouée rouge « C » sur le côté sud du Højerdyb;

3°, 4°, 5° de là jusqu'à la bouée « Lister Ley » (qui sera déplacée de 200 m. environ vers l'est), 3 éléments de lignes droites dont les extrémités seront marquées par les bouées « C », « B » (cette dernière sera déplacée de 0.35 milles marins environ vers l'ouest) « A » et « Lister Ley » (qui sera déplacée de 200 m. environ vers l'est).

6°, 7°, 8° A partir de Lister Ley et jusqu'à la bouée lumineuse au nord des feux de List West, 3 lignes droites suivant à peu près la ligne médiane du chenal.

9° De là et dans une direction de 258° (comptée du nord vers l'est), une ligne droite jusqu'à l'intersection avec la ligne reliant l'extrémité ouest du banc de Römö Flak et le cap nord-ouest de l'île de Sylt. Ce point d'intersection marque l'extrémité de la frontière maritime ouest.

A partir de ce point, la ligne de séparation des eaux territoriales suit la même direction jusqu'à son intersection avec une ligne droite obtenue en plaçant le feu de List Ost dans l'alignement du milieu de l'intervalle compris entre les deux feux de List West, puis suit cette dernière ligne jusqu'à la mer libre.

Entre la bouée « C » et la bouée « Lister Ley » la frontière suivra les déplacements naturels du chenal de manière que le libre accès du port de Højjer, par les eaux danoises, soit toujours assuré au Danemark sur une étendue correspondant aux conditions actuelles. Entre la bouée « Lister Ley » et la sortie du Lister Tief, la frontière et la ligne de séparation des eaux territoriales suivront la ligne médiane du chenal dans ses déplacements naturels. Les rectifications résultant de ces déplacements naturels pourront être réglées entre les deux États intéressés.

Remarques

Les frontières maritimes séparent les eaux nationales danoises des eaux nationales allemandes; chacune d'elles se continue par une ligne de séparation des eaux territoriales. Les points extrêmes de la frontière se trouvent à l'intersection de celle-ci avec les limites des eaux nationales.

Pour déterminer le point extrême de la frontière maritime ouest, la Commission a considéré comme limite des eaux nationales la ligne joignant l'extrémité ouest du banc de Römö Flak au cap nord-ouest de l'île de Sylt, conformément aux règles générales du droit des gens fixant la limite des
eaux nationales et à l'esprit de la Convention du 6 mai 1882 relative à la police de la pêche dans la mer du Nord.

Note. See also: Customs Act No. 171 of 11 May 1928, article 48 (infra, Chapter II, Section A, under Denmark (d)); Order No. 356 of 25 July 1951, articles 2, 3 (infra, Chapter III, under Denmark (a)); Order No. 29 of 27 February 1903, article 1 (infra, Chapter IV, under Denmark (b)); Order No. 160 of 20 May 1955 (infra, Chapter IV, under Denmark (c)); Act No. 101 of 27 March 1933 (infra, Chapter IV, under Denmark (e)); Decree No. 230 of 29 June 1933 (infra, Chapter IV, under Denmark (f)); Order No. 231 of 29 June 1933 (infra, Chapter IV, under Denmark (g)); Act No. 277 of 27 May 1950, article 1 (infra, Chapter IV under Denmark (i)); Notice No. 292 of 11 November 1953, article 1 (infra, Chapter IV under Denmark (k));

Dominican Republic

(a) Constitution of the Dominican Republic of 1947¹ as amended

Section II

The Territory

Article 5.² ... The territorial sea and the continental shelf which correspond to the national territory are also part of the said territory. The extent of the territorial sea and of the continental shelf shall be determined by statute.

(b) Act No. 3342 of 13 July 1952 concerning the extent of the territorial waters of the Republic³

Article 1. Except as hereinafter otherwise provided, a zone of three nautical miles along their coasts, the said zone extending seaward from the mean low-water mark, is hereby established as the extent of the territorial or jurisdictional waters of the Republic and of its islands or islets.

Paragraph. The channels and waters comprised between Cape Beata, Beata Island, Alto Velo Island, Los Frailes Islet and Cape Falso are declared to be territorial waters of the Republic.

Article 2. The bays of Samaná, Ocoa and Neyba are declared to be historical waters or bays and as such to be subject to the full sovereignty of the State, within the following boundaries:

(a) In the case of Samaná Bay: a transverse line plotted between Cape Samaná and Cape San Rafael.

(b) In the case of Ocoa Bay: a transverse line plotted between Salinas Point and Martín García Point.

² The text of this article as amended on 1 December 1955 was provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.
³ Text of Act provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.
(c) In the case of Neiba Bay: a transverse line plotted between Martin Garcia Point and Avarena Point.

Paragraph. The transverse lines referred to in sub-paragraphs (a), (b) and (c) serve to demarcate the boundaries of the internal waters and the base line of the territorial waters of the bays aforesaid.

Article 3. The boundaries, extent or legal status of the territorial sea and of the contiguous zone in and in the vicinity of the bay of Manzanillo may be established through a treaty with the neighbouring Republic of Haiti. Pending the conclusion of such a treaty, the Dominican Republic will observe the rules of international law and of equity which it has in the past observed in the said bay and in the waters adjacent thereto.

Article 4. An additional zone adjacent to the territorial sea is hereby established which will be known as the "contiguous zone" and which shall consist of a belt extending outward from the outer limit of the territorial sea to a distance of twelve nautical miles into the high seas.

Paragraph. In the said contiguous zone the Dominican State shall exercise the powers of jurisdiction and control necessary for the purpose of preventing contraventions of Dominican legislation relating to public health, public revenue, customs, fisheries protection and conservation of marine species.

Article 5. The Dominican State reserves the right of ownership in and utilization of the natural resources and wealth which occur or may be discovered in the sea bed or subsoil of the sea in an area, adjacent to Dominican territory, the extent of which shall be determined by the National Administration according to the requirements inherent in the taking possession and exploitation of the said natural resources and wealth and, where appropriate, through international treaties. The Dominican State shall have power to set up or to authorize the setting up of structures or installations necessary for the exploitation of the said resources and to exercise all and any policing measures necessary for their conservation.

Article 6. The following are declared to be national internal waters:
(a) the waters contained within the indentations of the coast;
(b) the harbours and maritime areas in which structures for the mooring of vessels in general have been or may be set up;
(c) roadsteads and anchorages;
(d) the channels and maritime area comprised within the Siete Hermanos group of islets, and likewise the waters comprised between the said islets and the coast from Manzanillo Point to Luna Point.

Transitional provision. The dimensions of the territorial sea and of the contiguous zone which are specified in this Act constitute the minimum limit of the aspirations of the Dominican Republic and, accordingly, do not represent an immutable position with respect to any progressive development of positive international law that may hereafter affect the régime of the sea.

Note. See also: Law No. 55 of 27 December 1938, articles 1, 3 (infra, Chapter II, Section A, under Dominican Republic (b)).
Ecuador

(a) Civil Code of 1950

Article 626. The adjacent sea to a distance of one marine league, measured from the low-water mark, is part of the territorial sea and its ownership rests in the nation; nevertheless, the right of police, for purposes connected with national security and with the enforcement of the fiscal legislation, extends to a distance of four marine leagues likewise measured from the low-water mark.

(b) Decree of the Congress of the Republic of Ecuador, Dated 21 February 1951, Relating to Territorial Waters

Article 1. The continental shelf or "zocle" adjacent to the Ecuadorian coasts and all and every natural resource found thereon belong to the State, which will control the exploitation of such resources and the protection of the corresponding fishing areas.

Article 2. The Ecuadorian continental shelf is considered to comprise the submerged land, contiguous to continental territory, which is covered by not more than 200 metres of water.

Article 3. National territorial waters comprise a minimum distance of 12 nautical miles measured from the outermost promontories of the Ecuadorian Pacific coast as well as the inner waters of the gulfs, bays, straits and canals comprised within a line drawn between such promontories.

Also considered as the territorial sea are those waters comprised within a perimeter of 12 nautical miles measured from the outermost promontories of the farthest islands of the Colon Archipelago, the stipulations of Article 1 of this law being applicable in this case.

Article 4. Should, in accordance with the terms of any international conventions or treaties on this subject, such as the Treaty of Mutual Assistance, the maritime areas agreed upon from policing and protection be greater than those laid down in this law, the terms of such treaties will prevail and will be enforced as part of this decree within the extent and range of such treaties.

(c) Waters Act No. 289 of 17 July 1936

Article 1. The waters of the territorial sea are for all purposes public and cannot be an object of ownership or possession.

1 Código Civil de la República del Ecuador, 1950, p. 142. Translation by the Secretariat of the United Nations.
Note. See also: Maritime Police Code, promulgated by Decree No. 765 of 9 August 1944, article 18, 80 (infra, Chapter II, Section A, under Ecuador); Decree No. 607 of 29 August 1934, articles 78, 129, 162 (infra, Chapter IV, under Ecuador (a)); Decree No. 138 of 21 February 1940, as amended, article 2 (infra, Chapter IV under Ecuador (c)); Décret présidentiel du 22 février 1951 sanctionnant la loi sur la pêche et la chasse maritime, article 2 (infra, Chapitre IV, Ecuador (d)); Decree No. 995-A of 29 April 1955 concerning fishing, article 3 (infra, Chapter IV, under Ecuador (h)); Decree No. 1085 of 14 May 1955 concerning fishing, article 1 (infra, Chapter IV under Ecuador (i)); Circular of the Ministry for Foreign Affairs of 19 November 1914, article 1 (infra, Chapter V under Ecuador (a)).

El Salvador

POLITICAL CONSTITUTION OF 7 SEPTEMBER 1950

Article 7. The territory of the Republic within its present boundaries is irreducible; it includes the adjacent sea within a distance of two hundred marine miles measured from the line of lowest tide, and it embraces the air space above, the subsoil, and the corresponding continental shelf.

The provisions of the preceding section do not affect freedom of navigation in accordance with principles accepted by International Law.

The Gulf of Fonseca is an historic bay subject to a special régime.

Note. See also: Navigation and Maritime Act of 27 October 1933, article 2 (infra, Chapter II, Section A, under El Salvador (a)); and Decree No. 1961 of 25 October 1955, article 2 (infra, Chapter IV under El Salvador).

Ethiopia

MARITIME PROCLAMATION NO. 137 OF 1953, SECTION 6

(infra, CHAPTER II, SECTION A UNDER ETHIOPIA)

Finland

CUSTOMS REGULATIONS OF 8 SEPTEMBER 1939 AS AMENDED

Article 1. Customs frontier at sea. (1) In the Baltic Sea, the Gulf of Finland, the Gulf of Bothnia, the customs frontier shall extend along an imaginary line situated at a distance of six nautical miles from the mainland and, where there are islets or skerries, from the outermost islet or skerry pro-

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3 By Decree of 27 January 1950. In his Note of 22 June 1956, the Permanent Representative of Finland to the United Nations stated: "This amendment refers only to the fact that Finland no longer possesses a coast on the Arctic Sea."
jecting above the water surface at low water, but not further than the
territorial frontier of a contiguous State. The customs frontier surrounding
outer islands and skerries situated in the Baltic Sea and the Gulf of Finland
outside the continuous customs frontier zone shall extend beyond each
such outer island or skerry to a distance of three nautical miles.

(2) If the customs frontier, to a certain extent or for purposes of pre-
venting the unlawful transport of goods, is defined in an agreement with a
foreign State otherwise than in the first paragraph hereof, the provisions of
such agreement shall apply.

France

Décret présidentiel du 9 juillet 1888, au sujet des lignes de base
pour les baies des côtes corse et d’une partie des côtes méditer-
ranéennes du Midi de la France

Article 1er. Les lignes droites tirées en travers des baies des côtes du
cinquième arrondissement maritime de France et de l’île de Corse et à
partir desquelles la limite des trois milles marins déterminant la mer terri-
toriale française doit être comptée, conformément à l’article 1er de la loi
du 1er mars 1888, sont tracées comme suit:

CÔTES DE FRANCE SUR LA MÉDITERRANÉE

Golfe d’Aigues-Mortes (carte n° 2474). De l’embouchure du gruau de
Palavas au phare de l’Espignette: neuf milles cinq.
Golfe des Saintes-Maries (carte n° 2474). Du gruau d’Orgon à la balise
de Beauduc: huit milles trois.
Golfe de Fos (carte n° 2474). De la pointe de la rive droite de l’embou-
chure du Rhône au phare du cap Couronne: sept milles.
Golfe de Marseille (carte n° 2681). 1. Du moulin de Carri au phare
de Plamier: huit milles cinq; 2. Du phare de Plamier à la pointe ouest
de l’île Riou: six milles trois; 3. De la pointe est de l’île Riou au Bec
de l’Aigle; neuf milles un.
Baie de la Ciotat, Bandol et Saint-Nazaire (carte n° 2681). Du Bec de
l’Aigle au phare du Grand-Rouveau: huit milles cinq.
Baie de l’entrée de Toulon (carte n° 2681). Du sémaphore de Sicié à
l’île Longue (presqu’île de Giens): dix milles.
Rade des îles d’Hyères (carte n° 2681). 1. De la pointe Escampobariou
au fort du Grand-Langoustier: trois milles trois; 2. Du phare de Porque-
rolles à la pointe du Vallon (île de Port-Cros): huit milles cinq; 3. De
la pointe du Vallon à la pointe Maupertuis (île du Levant): un mille neuf;
Anse de Pampelune et golfe de Saint-Tropez (carte n° 2682). Du cap
Camarat à la pointe Alissandre: neuf milles.
Golfe de Fréjus et rade d’Agay (carte n° 2682). De la pointe Alissandre
à l’île de la Boute: neuf milles deux.

1 Cour internationale de Justice, Affaire des pêcheries (Royaume-Uni c. Norvège); vol. III, p. 683.
2 Voir infra, Chapitre IV, France (e).
3 Cette délimitation a été établie par le Service hydrographique de Norvège à l’aide de cartes officielles françaises et autres à même échelle.
Golfe de la Napoule (carte n° 2682). De l’île de la Boute à la tourelle des Moines: huit milles deux.
Golfe Juan (carte n° 2682). De la tourelle des Moines au phare de l’ilette: quatre milles.
Baie des Anges (carte n° 2682). Du bastion nord-est du fort Carré d’Antibes au phare du cap Ferrat (Villefranche): dix milles.
Baie de Saint-Hospice et de Monaco (carte n° 2682). De la pointe de Saint-Hospice au cap Martin: sept milles.

ILE DE CORSE

Golfe de Saint-Florent (carte n° 232). De la pointe des Canelles à la pointe Pérallo: sept milles.
Golfe de Calvi (carte n° 232). De la pointe Valètione au phare de Revelata: sept milles cinq.
Golfe de Porto (carte n° 232). De la pointe Rossa au cap Rosso: cinq milles six.
Golfe de Sagone (carte n° 232). De la pointe Cargèse au cap Feno: neuf milles sept.
Baie Ventilegne et port de Figari (carte n° 232). De la pointe Rocapina au cap Feno: sept milles sept.

Note. Voir également: décret du 1er octobre 1934, article 2 (infra, Chapitre II, Section A, France (a)); décret du 8 décembre 1948, article 44 (infra, Chapitre II, Section A, France (c)); arrêté du 1er février 1932, annexe I (infra, Chapitre II, Section A, France (d)); décret du 21 mai 1913, article 3 (infra, Chapitre III, France (a)); décret du 29 septembre 1929, article 1er (infra, Chapitre III, France (b)); règlement du 1er juin 1930, article 1er (infra, Chapitre III, France (c)); décret du 10 mai 1962, articles 1er, 2, 3, 6, 7, 8 (infra, Chapitre IV, France (d)); loi du 1er mars 1888, article 1er (infra, Chapitre IV, France (e)); décret du 1er juin 1898, article 1er (infra, Chapitre IV, France (f)); décret du 1er octobre 1912, article 2 (infra, Chapitre V, France).

Algérie

DÉCRET PRÉSIDENTIEL DU 9 JUILLET 1888 AU SUJET DES LIGNES DE BASE POUR LES BAIES D’ALGÉRIE 1

Art. 1er. Les lignes droites tirées en travers des baies des côtes de l’Algérie et à partir desquelles la limite des trois milles marins déterminant la mer territoriale française doit être comptée, conformément à l’article 1er de la loi du 1er mars 1888, sont tracées comme suit:

1 Ibid., p. 687.


Baie de Djidjelli (carte n° 3023). — De l’embouchure de l’Oued-Nil au grand phare de Djidjelli: quatre milles.


Baie de Tipaza (carte n° 3030). — De l’embouchure de l’Oued-Koucha au cap Chenoua: huit milles.


Baie d’Arzeu (carte n° 3219). — De la pointe ouest de Port-aux-Poules au grand phare d’Arzeu: sept milles cinq.

Baie d’Oran (carte n° 3483). — De la pointe Conastel à la pointe au nord de Mers-el-Kébir: sept milles cinq.


Passage entre les îles Habibas et la côte (carte n° 3483). — 1° Du cap Lindless à la pointe nord-est des îles Habibas: huit milles huit; 2° du phare des îles Habibas au cap Figalo: neuf milles deux.

Abords de la Tafna (cartes n°s 3436 et 3412). — 1° Du cap Gros au phare de Rachgoun: sept milles sept; 2° du phare de Rachgoun à l’ilot de la pointe El-Harouch: quatre milles cinq.

Nouvelle Calédonie

Décret du 23 septembre 1911 portant interdiction aux navires étrangers de se livrer à la pêche dans les eaux territoriales de la Nouvelle-Calédonie, article 2 (infra, chapitre IV, France (Nouvelle-Calédonie)).

Germany (Federal Republic)

Note of 9 February 1956 received from the Permanent Observer of the Federal Republic of Germany

There are no national laws and regulations in force which define the territorial sea. The practice as regards the territorial sea is determined by the rules of international law, which, according to article 25 of the Basic Law of the Federal Republic of Germany of 23 May 1949, are part of the Federal Law. They override national legislation and are immediately binding for everybody on the territory of the Federal Republic of Germany.

Note. See also: Customs Act of 20 March 1939, articles 3, 5 (infra, Chapter II, Section A, under Germany (West) (b)).
Greece

(a) Act No. 5017 of 3/13 June 1931 to regulate civil aviation

Article 2. The State exercises complete and absolute sovereignty over the air space above its territory. The term “Greek territory” as used in this Act or in the regulations made pursuant thereto shall be deemed to include the territorial waters and the air space above those waters.

(b) Decree of 6/18 September 1931 to define the extent of the territorial waters for the purposes of aviation and the control thereof

The Greek Republic, having regard to articles 2 and 9 of Act No. 5,017 to regulate civil aviation, published in Efimeris tis Kiverniseos, part I, No. 158, of 13 June 1931, and to article 1 of Act No. 2,569 of 19 April 1921 to ratify the International Aviation Convention, published in Efimeris tis Kiverniseos No. 68 of 26 April 1921, and upon the recommendation of the Minister of Aviation, has resolved and decreed as follows:

The extent of the territorial waters referred to in article 2 of Act No. 5,017 shall be fixed at ten sea miles from the coast of the State.

The Minister of Aviation shall be responsible for publishing and giving effect to this Decree.

(c) Law No. 230 of 17 September 1936

Article 1. The extent of the territorial sea is fixed at six nautical miles from the coast, without prejudice to provisions in force concerning special matters, with respect to which the territorial zone shall be delimited at a distance either larger or smaller than six miles.

Note. See also: Law No. 4141 of 26 March 1913 concerning the passage and sojourn of merchant vessels along the Greek shores and policing of the ports and harbours in time of war, article 1 (infra, Chapter II, Section A, under Greece (a)); Loi n° 1165 du 17 mars/6 avril 1918, article 85 (infra Chapitre II, Section A, Grèce (b)).

Guatemala

(a) Civil Code, Act No. 1932 of 29 October 1947

Article 399. The maritime zone abutting on the coasts of the Republic shall be part of the public domain, to the extent and with the effects specified by international law.


(b) Civil Aviation Law enacted by Act No. 563 of 28 October 1948

Chapter I. General Provisions

Article 1. The Republic of Guatemala exercises full and exclusive sovereignty over the air space situated above its territory and its territorial sea.

(c) Constitution of the Republic of Guatemala of 1 March 1956

Title I. The Nation and the State

Article 3. The public domain shall include all Guatemalan territory, soil, subsoil, territorial sea, continental shelf and air space and shall extend to the natural resources and wealth existing therein, without prejudice to free maritime and air navigation in accordance with the law and the provisions of international treaties and conventions.

Title X. Economic System

Article 214. The following are the property of the Nation:

2. The waters of the maritime zone abutting on the coast of the Republic, to the extent and in the manner laid down by law; lakes and navigable and floatable rivers and their shores; rivers, water courses and streams which serve as boundaries of the territory of the Republic, and waterfalls and springs which may be utilized for industrial purposes, in the form determined by the law; and all such waters as private individuals do not utilize.

4. The maritime zone of the territory of the Republic, the continental shelf, the air space and the stratosphere, to the extent and in the manner specified by law.

(d) Political Statute of the Republic of Guatemala of 10 August 1954

Article 33. The resources of the subsoil and deposits of hydrocarbons are the inalienable and imprescriptible property of the Nation. The law

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1 This law entered into force on 7 April 1949, date of its publication in the Diario Oficial. Text provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.
shall determine the conditions under which they shall be exploited. Permits for the exploration, drilling and exploitation of hydrocarbons or minerals shall be duly published and shall only be granted to persons who clearly dispose of the necessary technical skill and financial resources for the purpose, provided always that the national interests are safeguarded. Rights acquired under the permits mentioned in this article may not be assigned, mortgaged or leased except with the prior authority of the Government Junta.

(e) Petroleum Code, enacted by Decree No. 345 of 7 July 1955

TITLE I. GENERAL PROVISIONS AND NATIONAL RESERVE ZONES

Chapter I. General Provisions

Article 1. All of the natural deposits or occurrences of petroleum that are located within the terrestrial or maritime limits of the Republic or within the outer limit of the continental platform belong to the Nation. Ownership over the same is inalienable and not subject to prescription.

Note. See also: Act of 10 June 1934 for the administration and control of the ports of the Republic, article 1 (infra, Chapter II, Section A, under Guatemala (a)); Regulations of 21 April 1939 governing the administration and police supervision of the ports of the Republic, article 1 (infra, Chapter II, Section A, under Guatemala (b)); and Decree No. 2393 of 17 June 1940, article 1 (infra, Chapter III, under Guatemala).

Honduras

(a) Congressional Decree No. 102 of 7 March 1950 amending the Political Constitution

Article 1. The name of the single chapter of title 1, the name of title 2, and articles 4 and 153 of the Political Constitution are amended, and shall read as follows:

(c) Article 4. "The limits of Honduras and its territorial division shall be determined by law. The submarine platform or continental and insular shelf, and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be, forms a part of the national territory."

(d) Article 153. "The following belong to the State: Full, inalienable, and imprescriptible dominion of the waters of the territorial seas to the

1 Text of Code provided by the Permanent Mission of Guatemala to the United Nations.

extent of twelve kilometres measured from the low-water mark, and full, inalienable, and imprescriptible dominion of its beaches, and of its lakes, lagoons, estuaries, rivers, and rivulets which run continuously, with the exception of springs which rise and terminate within private property; also the dominion, likewise full, inalienable, and imprescriptible, over all the resources which exist or may exist in its submarine platform or continental and insular shelf, in its lower strata, and in the area of the sea included within vertical planes constructed on its boundaries.”

(b) CONGRESSIONAL DEEDRE NO. 103 OF 7 MARCH 1950 AMENDING THE AGRARIAN LAW

Article 1. The first article of the Agrarian Law is amended, and shall read as follows:

“Article 1. The property of the land, in its double aspect of soil and subsoil, as well as the waters included in its territory, belong originally to the State, which has the right to transfer the dominion to individuals, establishing thereby private property.

The following belong to Honduras:

(1) The land situated on the continent within its territorial limits, and all the islands and keys in the Pacific which have been considered Honduran.

(2) The following islands: Cisne (Swan), Viciosas, Misteriosas and Mosquitos; the following keys: Gorda, Vivorillos, Cajones, Becerro, Cocurucuma, Caratazcó, Falso, Gracias a Dios, Los Bayos, Pichones, Palo de Campeche; and other islands, banks and reefs situated in the Atlantic, over which Honduras exercises dominion and sovereignty, in addition to the Islands of Bahia.

(3) Its submarine platform or continental and insular shelf and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be.”

(c) CONGRESSIONAL DEEDRE NO. 104 OF 7 MARCH 1950 AMENDING THE CIVIL CODE

Article 1. Articles 619 and 621 of the Civil Code shall be amended to read as follows:

“Article 619. Ownership of all mines of gold, silver, copper, platinum, mercury, lead, zinc, bismuth, antimony, cobalt, nickel, tin, arsenic, iron, chromium, manganese, molybdenum, vanadium, rhodium, iridium, radium, uranium, plutonium, tungsten, sulphur, petroleum, apatite, mephestine, rock salt and nitrates, precious stones, coal and fossilized

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substances, and any other mines and substances that are defined as national property by the Mineral Code, shall be vested in the State, notwithstanding ownership of the surface of the land in which they may be situated by corporations or individuals. The right, however, shall be granted to individuals to make surveys and excavations on land, by whomever owned, for the purpose of prospecting for such mines, and to work and develop them and to dispose of them as owners, subject to the conditions and regulations laid down by the said Code. The development and exploitation of radium, uranium, plutonium, and other radioactive metals, as well as of petroleum resources, shall be governed by special statute.

"Ownership of all natural wealth, existing or that may exist, in its submarine platform or continental and insular shelf, in its lower strata and in the sea space included within the vertical planes rising from its limits, shall also be vested in the State.

"Building and ornamental stone, sand, slate, clay, lime, possolana, peat, loam and other substances shall belong to the owner of the land on which they may be found, subject to the provisions of the Mineral Code."

"Article 621. The adjacent waters, to a distance of 12 kilometers from the low water mark, shall be territorial waters and national property; but the sovereignty of the State shall extend to the submarine platform or continental and insular shelf and the overlying waters, at whatever depth it may be encountered and whatever may be its extent, without prejudice to the right of free navigation in accordance with international law."

Note. Article 621 of Congressional Decree No. 104 of 7 March 1950 amended article 621 of the Civil Code of 8 February 1906, which provided:

"The adjacent sea, to the distance of one marine league, measured from the low water mark, is to be considered as the territorial sea and as a part of the national domain; but the right of police, with respect to matters relating to the security of the country and the observance of the fiscal laws, extends to the distance of four marine leagues, measured in the same manner."

(d) CONGRESSIONAL DEGREE No. 25 OF 17 JANUARY 1951 APPROVING PRESIDENTIAL DEGREE No. 96 OF 28 JANUARY 1950

SINGLE ARTICLE. Decree No. 96, issued by the President of the Republic in the Council of Ministers on 28 January 1950, is hereby approved in whole and in every part, as follows:

"Article 1. It is hereby declared that the sovereignty of Honduras extends to the continental shelf of the national territory, both of the mainland and of the islands, and to the waters covering it, at whatever depth it lies and whatever its extent, and that the nation has full, inalien-
able and imprescriptible domain over all wealth which exists or may exist in it, in its lower strata or in the area of water bounded by the vertical plane passing through its borders.

"Article 2. The zone of protection of hunting, fishing and exploitation of the mainland and island waters falling by virtue of this Decree within the State's jurisdiction shall be delimited in accordance with this declaration of sovereignty whenever the Government shall see fit, and such delimitation shall be ratified, extended or amended as the national interest may require.

"Article 3. The protection and supervision of the State is hereby declared to extend in the Atlantic Ocean over all waters lying within the perimeter formed by the coast of the mainland of Honduras and a mathematical parallel drawn at sea 200 sea miles therefrom. With regard to the islands of Honduras in the Atlantic, such delimitation shall enclose the zone of sea contiguous to their coasts and extending for two hundred sea miles from every point thereon.

"Article 4. Subject to reciprocity, this declaration does not deny similar lawful rights of other States, nor affect the freedom of navigation recognized in international law, nor derogate from the rights of sovereignty and domain held by the State of Honduras over its territorial waters."

Note. See also: Congressional Decree No. 131 of 20 April 1925, article 3 (infra, Chapter II, Section A, under Honduras (c)).

Iceland

(a) Act No. 33 of 9 January 1935 governing intoxicating beverages, article 5 (infra, Chapter II, Section A, under Iceland)

(b) Regulations of 19 March 1952 concerning conservation of fisheries off the Icelandic coasts, article I (infra, Chapter IV, under Iceland (f))

India

Presidential Proclamation of 22 March 1956

Whereas international law has always recognized that the sovereignty of a state extends to a belt of sea adjacent to its coast,

And whereas international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial waters of the State, and consequently it is necessary to make a declaration as to the extent of the territorial waters of India,

I, Rajendra Prasad, President of India, in the Seventh Year of the Republic, do hereby proclaim that, notwithstanding any rule of law or practice to the contrary which may have been observed in the past in relation to India or any part thereof, the territorial waters of India extend into the sea to a distance of six nautical miles measured from the appropriate base line.

Note. See also: Indian Fisheries Act of 1897, section 4 (2) (infra, Chapter IV under India).

1 The Gazette of India, No. 81 of 22 March 1956. Text of Proclamation provided by the Permanent Mission of India to the United Nations.
Iran

(a) Loi du 24 Tir 1313 (19 juillet 1934) relative à la limite des eaux territoriales et à la zone de supervision et de contrôle ¹

I. — Eaux territoriales et zone de surveillance

Article 1er. La mer qui baigne les côtes persanes jusqu'à une distance de six milles marins, mesurée des côtes à compter de la limite de la plus basse marée et parallèlement à celle-ci, est déclarée mer territoriale persane et appartient au domaine national ainsi que le sol et le sous-sol au-dessus, l'air au-dessus.

D'autre part et en vue d'assurer l'exécution de certaines lois et conventions concernant la sûreté et la défense du pays et de ses intérêts ou ayant trait à la sécurité de la navigation, une deuxième zone, dite zone de surveillance maritime et sur laquelle l'Etat exerce un droit de surveillance, s'étendra jusqu'à une distance de douze milles marins de la côte, cette distance étant mesurée de la même manière que ci-dessus.

Remarque: Un mille marin est égal à 1852 mètres.

Article 2. Pour les baies, l'étendue des eaux territoriales sera mesurée à partir d'une ligne droite tirée en travers de l'ouverture de la baie; si l'ouverture de la baie excède dix milles, cette ligne sera tirée en travers de la baie dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excédera pas dix milles.

Devant les ports, les eaux territoriales sont mesurées à partir d'une ligne tracée entre les ouvrages fixes les plus avancés du port.

Article 3. Chaque île appartenant à la Perse comporte des eaux territoriales qui lui sont propres, déterminées comme ci-dessus (article 1er, paragraphe 1er).

S'il s'agit d'un archipel, les îles qui le constituent seront considérées comme formant un ensemble et l'étendue de la mer territoriale sera comptée à partir des îles les plus éloignées du centre de l'archipel.

II. — Conditions d'admission et régime des navires de guerre étrangers dans les eaux persanes

Article 4. Le droit de passage inoffensif dans les eaux territoriales persanes est reconnu aux bâtiments de guerre étrangers, y compris les sous-marins naviguant en surface, sauf le cas où ils appartiendraient à des pays en état de guerre, auquel cas les règlements nationaux et internationaux, prévus pour le cas de guerre et le respect de la neutralité, entreraient en vigueur. Un règlement ministériel déterminera notamment, quant au nombre des navires, les conditions du droit de passage inoffensif prévu par le présent article.

Article 5. Les conditions de séjour des bâtiments de guerre étrangers dans les eaux territoriales persanes seront également fixées par le règlement ministériel.

Les bâtiments de guerre doivent, dans les eaux visées dans la présente loi, respecter les lois et règlements persans.

¹ A. de La Pradelle, Recueil général périodique et critique des décisions, conventions et lois relatives au droit international public et privé, 1935, VIe partie, p. 10.
Article 6. Le Gouvernement Impérial se réserve le droit d'interdire, pour des raisons de défense nationale ou autres raisons majeures, le passage ou le séjour des navires de guerre étrangers dans certains ports ou dans certaines parties des eaux territoriales. Ces ports ou ces parties ainsi interdits prendront le nom de « zones fermées ».

Article 7. À condition de réciprocité, les navires de guerre étrangers sont dispensés de la visite douanière et les droits de douane ne sont dus que pour les marchandises débarquées à terre pour y être livrées à la consommation. Ils sont exemptes des taxes de port et de tonnage et des taxes assimilables à condition de réciprocité.

Article 8. La connaissance et la poursuite des crimes et délits commis à bord des navires de guerre étrangers échappent à la compétence des autorités persanes.

Aucune condamnation capitale, prononcée par une autorité étrangère, ne peut être exécucée ni dans la zone des eaux territoriales ni dans la zone de surveillance.

Loi du 19 juin 1955 relative à l'exploration et à l'exploitation du « Falat Gharreh » (plateau continental de l'Iran) ¹

Article 1er. Telle qu'elle est employée dans cette loi, l'expression « Falat Gharreh » a le même sens que l'expression « Continental Shelf » en anglais et l'expression « plateau continental » en français.

Article 2. Le lit de la mer et le sous-sol des étendues sous-marines contiguës aux côtes de l'Iran et des îles iraniennes et situées sur le plateau continental ont toujours été et demeurent sous la souveraineté de l'Iran.

Note 1. En ce qui concerne la mer Caspienne, les dispositions du droit international sur les mers fermées sont applicables.

Article 3. Dans le cas où le plateau continental faisant l'objet des articles sus-mentionnés s'étend aux côtes d'un autre État ou est voisin du territoire d'un État limitrophe de l'Iran, les différends éventuels ayant trait à la délimitation du plateau continental de l'Iran seront réglés d'après le principe de l'équité et le Gouvernement prendra les mesures nécessaires pour le règlement de tels différends éventuels.

Article 4. Cette loi ne porte aucun changement aux dispositions de la loi du 24 Tir 1313 [19 juillet 1934] relative à la limite des eaux territoriales et à la zone de supervision et de contrôle, et ladite loi est toujours en vigueur.

Article 5. Cette loi ne porte pas atteinte au régime des eaux surjacentes quant au droit de la libre navigation et à l'installation de câbles sous-marins.

Le Gouvernement peut construire des installations nécessaires sur le plateau continental pour explorer et exploiter ses ressources naturelles et prendra les mesures nécessaires pour la sécurité de ces installations.

¹ Texte de loi fourni par la Mission permanente de l'Iran auprès de l’Organisation des Nations Unies.
Iraq

NOTE OF 2 FEBRUARY 1956 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ

The Minister for Foreign Affairs... has the honour to state that... no legislation exists in Iraq at the time being dealing with the régime of the territorial sea. It is the normal practice to apply in this respect the general rules recognized by public international law...

Israel ¹²

(a) NOTE OF 13 DECEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF ISRAEL

...On 11 September 1955 the Government of Israel decided that the maritime frontier of the State of Israel is placed at a distance of six nautical miles from the coast measured from the low-water line and that the areas of the sea between the low-water line and the maritime frontier, together with the air space above them, constitute the maritime areas of Israel. As a result of this decision, extending the belt of territorial sea, all legislation in which the three-miles limit still exists will be amended accordingly in due course...³

(b) INTERPRETATION ORDINANCE OF 1954 ⁴

PART I. GENERAL PRINCIPLES

1. In this Ordinance, and in all other enactments now in force or hereafter to be issued, all expressions which are contained in this article shall have the meaning herein stated:

¹ According to the Note of 13 December 1955 received from the Ministry for Foreign Affairs of Israel, all of the legislative texts mentioned under Israel are in force in that country.

² Section 15(a) of the Law and Administration Ordinance No. 1 of 5708-1948 provides: "'Palestine', wherever appearing in any Law, shall henceforth be read as Israel."

³ When this volume was about to be sent to the printer, the following text of Law was received from the Ministry for Foreign Affairs of Israel:

"TERRITORIAL WATERS LAW, 5717-1956 (Passed by the Knesset on the 18th Cheshvan, 5717 (23rd October, 1956) and published in Sefer Ha-Chukkim No. 208 of the 28th Cheshvan, 5717 (2nd November 1956), p. 2; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 275 of 5717, p. 18.)"

"1. In the definition of 'territorial waters' in section 1 of the Interpretation Ordinance (Dinei Yisrael (Nusach Chadash) No. 1, p. 1), the words 'three nautical miles' shall be replaced by the words 'six nautical miles'.

"2. Wherever it is said in any law that a part of the open sea adjoining the coast of the State is included in the territory of the State or that any law or a power under any law applies to such a part, and the extent of that part is not fixed or is fixed at less than six nautical miles from low water mark or from some other point on the coast, such extent shall be six nautical miles as aforesaid."

⁴ New version, Dinei Israel, No. 1, 1 January 1954, p. 3; translation from Hebrew by the Secretariat of the United Nations.
“Israel” includes the territorial waters of Israel;

“territorial waters” means any part of the sea along the coasts of Israel within three nautical miles [see Note above, (a)] from the low water mark on the coast;

(c) **Palestine Order in Council of 1922, 1 as amended 2**

**PART I. PRELIMINARY**

1... The limits of this Order are the territories to which the Mandate for Palestine applies, including the territorial waters adjacent thereto hereinafter described as Palestine.

**PART II. EXECUTIVE**

12... (2) All mines and minerals of every kind and description whatsoever being in, under or on any land or water, whether the latter be inland rivers or seas or territorial waters, shall vest in the High Commissioner subject to any right subsisting at the date of this Order of any person to work such mines or minerals by virtue of a valid concession.

(d) **Mining Ordinance of 1 July 1925 3**

Whereas by virtue of Article 12 (2) of the Palestine Order in Council, 1922, all mines and minerals of every kind and description whatsoever being in, under or on any land or water whether the latter be inland waters or seas or territorial waters, are vested in the High Commissioner, subject to any right subsisting at the date of the said Order under which any person was entitled to work such mines or minerals by virtue of a valid concession; and by virtue of Article 13 of the said Order in Council the High Commissioner is empowered to make grants or leases of any such mines or minerals upon such terms or conditions as he may think fit, subject to the provisions of any Ordinance;

**PART I. PRELIMINARY**

2. (1) In this Ordinance, unless the context otherwise requires —

“land” includes all categories of land comprised in the Ottoman Land Code and also all territorial waters, inland rivers and seas;

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(e) **STATE PROPERTY LAW OF 1951**

1. In this Law —

   “property of the Palestine authorities” includes —

2. Property of the Palestine authorities, situate in Israel, is property of the State of Israel as from the 6th Iyar, 5708 (15th May, 1948).

(f) **PETROLEUM LAW OF 1952**

*PART ONE. PRELIMINARY*

*Article one. Definitions*

1. In this Law —

   “land” includes land intermittently or permanently submerged beneath inland waters or the sea;

(g) **SUBMARINE AREAS LAW OF 1953**

1. (a) The territory of the State of Israel shall include the sea floor and underground of the submarine areas adjacent to the shores of Israel but outside Israel territorial waters, to the extent that the depth of the superjacent water permits the exploitation of the natural resources situate in such areas.

(b) Nothing in subsection (a) shall affect the character of the water superjacent on the said submarine areas, and outside Israel territorial waters, as waters of the high seas.

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1 Passed by the Knesset on the 30th Shevat, 5711 (6th February, 1951) and published in Sefer Ha-Chukkim No. 68 of the 9th Adar Alef 5711 (15th February, 1951); the Bill and an Explanatory Note were published in Hatza'ot Chok No. 54 of the 2nd Cheshvan, 5711 (13th October, 1950), p. 12; Laws of the State of Israel, vol. V, 5711-1950/51, p. 43; text provided by the Ministry of Foreign Affairs of Israel.

2 Laws of the State of Israel, vol. VI, 5712-1951/52, p. 129; text of law provided by the Ministry of Foreign Affairs of Israel.

3 Passed by the Knesset on the 25th Shevat, 5713 (10th February, 1953) and published in Sefer Ha-Chukkim No. 120 of the 5th Adar (20th February, 1953), p. 53; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 133 of the 20th Av, 5712 (11th August, 1952), p. 332; Laws of the State of Israel, vol. VII, 5713-1952/53, p. 41; text provided by the Ministry of Foreign Affairs of Israel.
Note. See also: Criminal Code Ordinance of 1936, section 6 (infra, Chapter II, Section B, under Israel (b)); Merchant Shipping Act of 1894, section 688 (1) (infra, Chapter II, Section B, under Israel (a)); and Fisheries Ordinance of 1937, section 2 (infra, Chapter IV under Israel (a)).

Italy

(a) Navigation Code of 30 March 1942, Articles 2, 3 (infra, Chapter II, Section A, under Italy (a))

(b) Act No. 612 of 16 June 1912 to Enact Rules Governing the Passage and Presence of Merchant Ships through or in Italian Coastal Waters, Article 1 (infra, Chapter II, Section A, under Italy (b))

(c) Customs Act No. 1424 of 25 September 1940, Article 33 (infra, Chapter II, Section A, under Italy (f))

(d) Royal Decree No. 1107 of 26 September 1912, Article 2 (infra, Chapter IV, under Italy)

(e) Royal Decree No. 595 of 6 June 1940, Article 2 (infra, Chapter III, under Italy (b))

Japan

(a) Note of 5 March 1956 received from the Minister for Foreign Affairs of Japan

"Among the Japanese national legislative texts there is none defining the breadth and delimitation of the territorial sea.

"... It is, however, evident that Japan traditionally maintains that the distance of three miles is the well recognized and firmly established principle of international law as expressed in Article 1 of the Convention between Japan and the United States of America respecting the Regulation of the Liquor Traffic of 1928..." (see the Convention between Japan and the United States of America respecting the Regulation of the Liquor Traffic, signed at Washington, 31 May 1928, infra, Second Part, Chapter II. Note to Treaty No. 37).

(b) Replies to the Questionnaire of the Committee of Experts for the Progressive Codification of International Law, 1928

(a) Japan has upheld the limit of three nautical miles for territorial waters, as is clear from her declaration of neutrality at the time of the Franco-Prussian War of 1870, from the decisions in the cases of the S.S. "Michael" and S.S. "Russia" at the Sasebo Prize Court in 1894-5, from her declaration of opposition to Russia's claim for a 12-mile Customs area in 1909 and for a 12-mile fishing-area of a monopolistic character in 1911, and from various other facts.

As a matter of fact, many States have observed the limit of three nautical miles, and moreover the delimitation of territorial waters within such a

1 Text of Replies provided by the Ministry for Foreign Affairs of Japan.
narrow area renders it possible to broaden the extent of the open sea and to facilitate the use of the seas by various nations. It is advisable, therefore, that the limit of territorial waters should be fixed at three nautical miles.

(b) It is not advisable to entitle any State to claim, in virtue of usage, special geographical configuration or any other ground, a specially extensive breadth for its territorial waters by way of exception to the general rule concerning the limit of territorial waters.

(c) As to the claim of a State to exercise sovereignty outside its territorial waters with respect to particular matters, Japan has never made any such claim.

(d) Japan has never recognized any claim of this description on the part of any other State.

(e) (1) & (2) A uniform breadth (three nautical miles) for territorial waters should be fixed for all States and for all purposes.

(3) It is advisable not to entitle any State to exercise any special rights outside its territorial waters.

Note. See also: Port Regulation Law No. 174 of 15 July 1948, as amended, article 24 (infra, Chapter II, Section A, under Japan (f)).

Jordan (Hashemite Kingdom of)

FISHERIES ACT No. 25 OF 2 DECEMBER 1943, ARTICLE 2

(infra, Chapter IV, under Jordan)

Korea

PRESIDENTIAL PROCLAMATION OF SOVEREIGNTY OVER ADJACENT SEAS,
18 JANUARY 1952

Supported by well-established international precedents and urged by the impelling need of safeguarding, once and for all, the interests of national welfare and defence, the President of the Republic of Korea hereby proclaims:

1. The Government of the Republic of Korea holds and exercises the national sovereignty over the shelf adjacent to the peninsular and insular coasts of the national territory, no matter how deep it may be, protecting, preserving and utilizing, therefore, to the best advantage of national interests, all the natural resources, mineral and marine, that exist over the said shelf, on it and beneath it, now, or which may be discovered in the future.

2. The Government of the Republic of Korea holds and exercises the national sovereignty over the seas adjacent to the coasts of the peninsula and islands of the national territory, no matter what their depths may be, throughout the extension, as here below delineated, deemed necessary to reserve, protect, conserve and utilize the resources and natural wealth of all kinds that may be found on, in or under the said seas, placing under the Government supervision particularly the fishing and marine hunting industries in order to prevent this exhaustible type of resources and natural

1 Text of Proclamation provided by the Permanent Observer of Korea to the United Nations.
wealth from being exploited to the disadvantage of the inhabitants of Korea, or decreased or destroyed to the detriment of the country.

3. The Government of the Republic of Korea hereby declares and maintains the lines of demarcation, as given below, which shall define and delineate the zone of control and protection of the national resources and wealth on, in, or beneath the said seas placed under the jurisdiction and control of the Republic of Korea and which shall be liable to modification, in accordance with the circumstances arising from new discoveries, studies or interests that may come to light in future. The zone to be placed under the sovereignty and protection of the Republic of Korea shall consist of seas lying between the coasts of the peninsular and insular territories of Korea and the line of demarcation made from the continuity of the following lines:

(a) From the highest peak of U-Am-Ryung, Kyung-Hung-Kun, Ham-Kyong-Pukdo to the point (42°15'N – 130°45'E)
(b) From the point (42°15'N – 130°45'E) to the point (38°00'N – 132°50'E)
(c) From the point (38°00'N – 132°50'E) to the point (35°00'N – 130°00'E)
(d) From the point (35°00'N – 130°00'E) to the point (34°40'N – 129°10'E)
(e) From the point (34°40'N – 129°10'E) to the point (32°00'N – 127°00'E)
(f) From the point (32°00'N – 127°00'E) to the point (32°00'N – 124°00'E)
(g) From the point (32°00'N – 124°00'E) to the point (39°45'N – 124°00'E)
(h) From the point (39°45'N – 124°00'E) to the western point of Ma-An-Do, Sin-Do-Yuld, Yong-Chun-Kun, Pyungan-Pukdo.
(i) From the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian borderline.

4. This declaration of sovereignty over the adjacent seas does not interfere with the rights of free navigation on the high seas.

Note. See also: Fishery Resources Conservation Law No. 298, promulgated 12 December 1954 (infra, Chapter IV, under Korea).

Liban ¹

(a) Code de douanes, édicté par l’arrêté n° 422 du 30 juin 1954, articles 69, 72 (infra, Chapitre II, Section A, Liban)
(b) Code pénal, édicté par le décret législatif n° 340/NI du 1er mars 1943, article 17, paragraphe 1 (infra, Chapitre II, Section B, Liban)
(c) Décret du 29 septembre 1929, article 1er (infra, Chapitre III, Liban)

¹ Conformément à la note du 19 janvier 1956 reçue du Ministère des affaires étrangères de la République libanaise, les textes législatifs relatifs au Liban inclus dans la présente collection sont en vigueur dans ce pays.
Libya

NOTE OF 29 NOVEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM OF LIBYA

"Under the rule at present applied in Libya, the territorial sea extends six miles from the coast—as was the case before Libya’s independence. "For customs control purposes, however, the jurisdiction of the Libyan State extends to a distance of ten miles from the coast."

*Note.* See also: Royal Decree No. 1402 of 9 January 1939 concerning fishing in Libyan waters, article 9 (*infra, Chapter IV under Libya (b)).

Maroc

(a) RÈGLEMENT DU 31 MARS 1919 SUR LA PÊCHE MARITIME, ARTICLE 2 (*infra, Chapitre IV, Maroc (a))

(b) DAHIR DU 25 MARS 1922 PORTANT RÈGLEMENT SUR L’EXERCICE DE LA PÊCHE. ARTICLE 1er (*infra, Chapitre IV, Maroc (b))

Monaco

(a) NOTE DU 8 OCTOBRE 1955 REÇU DU SERVICE DES RELATIONS EXTÉRIEURES DE LA PRINCIPAUTÉ DE MONACO

... hormis l’article 432 du code civil... il n’existe dans la législation monégasque aucun texte législatif relatif à la mer territoriale. Ce sont donc les principes généraux admis en droit international public maritime qui régissent cette matière, principes qui, pour n’être pas « de droit écrit », n’en ont pas moins une valeur universellement reconnue...

(b) ORDONNANCE DU 2 AVRIL 1911 RELATIVE AU DOMAINE PUBLIC ET AU DOMAINE PRIVÉ DU PRINCE

*Article 1.* — Les articles 432... du Code civil sont remplacés par les dispositions suivantes:

« Article 432. — Les rues, places, routes, chemins à la charge de l’Etat, les rivages de la mer, les ports, les havres, le lit des torrents et des cours d’eau, et généralement toutes les portions du territoire de la Principauté qui ne sont pas susceptibles de propriété privée, font partie du domaine public et sont, à ce titre, imprescriptibles et inaliénables. »

1 *Lois usuelles de la Principauté de Monaco, t. II, 1950, p. 39.31. (1).*
Netherlands

(a) **Act of 7 December 1883, to give effect to the International Convention for regulating the police of the North Sea fisheries outside territorial waters, signed at The Hague on 6 May 1882**

   Article 2. The limits of the North Sea and of the territorial waters referred to in Article 1 shall be those laid down in Articles 2, 3 and 4 of the Convention.

(b) **Decree of 3 June 1940 to promulgate prize regulations in respect of the Kingdom of the Netherlands**

   Article 13. Except when a statement to the contrary is made by the Government of a non-enemy State regarding the delimitation of its territorial waters, territorial waters for the purpose of the present Regulations shall be deemed to consist of the coastal sea to a distance of 3 nautical miles of which 60 make a degree of latitude, measured from the low-water mark. At bays, the distance of 3 nautical miles shall be measured from a straight line drawn through the mouth of the bay. If the width of the mouth of the bay exceeds 10 nautical miles, the line shall be drawn as near as possible to the entrance at the first point where the width of the bay does not exceed 10 nautical miles.

(c) **Decree of 9 June 1953 to enact regulations respecting photography from aircraft**

   **Chapter I. Definitions of Terms**

   Article 1. For the purposes of this Decree:

   (b) *the territory* means the territory of the Kingdom in Europe, including the territorial waters;

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2 As amended by the Act of 15 April 1886 (*ibid.*, No. 64); the Act of 31 December 1887 (*ibid.*, No. 265); and the Act of 29 June 1925 (*ibid.*, No. 308) putting into effect the new Code of Criminal Procedure.
3 See *infra*, Second Part, Chapter I, Treaty No. 1.
5 *ibid.*, 1953, No. 309. Translation by the Secretariat of the United Nations.
Note. See also: Act No. 84 of 15 April 1891, article 3 (infra, Chapter II, Section A, under Netherlands (e)); Royal Decree of 29 April 1931 governing the admission of foreign military aircraft to Netherlands territory, article 1 (b) (infra, Chapter III, under Netherlands (b)); Fisheries Act of 6 October 1908, article 1(2) (infra, Chapter IV, under Netherlands (a)); Act No. 135 of 26 October 1889 to prohibit fishing by members of the crews of foreign vessels within the territorial waters of the Kingdom, article 1 (infra, Chapter IV, under Netherlands (b)); Decree of 2 June 1931 containing provisions regarding access to Netherlands territory of foreign warships with stationary aircraft carried on board, article 1 (infra, Chapter III, under Netherlands (c)); Proclamation of Neutrality in the Russo-Japanese War, 12 February 1904, article VIII (infra, Chapter V, under Netherlands (a)); Proclamation of Neutrality in the Italo-Turkish War, 3 October 1911, article XVIII (infra, Chapter V, under Netherlands (b)); Proclamation of Neutrality in the World War, 4 April 1914, article 17 (infra, Chapter V, under Netherlands (c)); and Proclamation of Neutrality of 3 September 1939, article 1 (infra, Chapter V, under Netherlands (d)).

Surinam

Note. See: Convention of 21 August 1924 between the United States of America and the Netherlands respecting the Regulation of the Liquor Traffic, article 1 (infra, Second Part, Chapter II, Treaty No. 37, Note); and Decree of 3 June 1940 to promulgate prize regulations in respect of the Kingdom of the Netherlands, article 13 (infra, under Netherlands (b)). See also: Resolution no. 1429 of the Governor of Surinam, 21 March 1950, paragraph A(1) (infra, Chapter IV, under Surinam).

Netherlands Antilles

Note. The Convention of 21 August 1924 and the Decree of 3 June 1940 (both mentioned above under Surinam) are also applicable in the Netherlands Antilles.

Netherlands New Guinea

Note. See: Territorial Sea and Maritime Districts Ordinance, 1939, article 1 (infra, Chapter II, Section A, under Netherlands New Guinea (a)); and Royal Decree of 29 December 1949 to enact provisions concerning a special administration in New Guinea, article 1 (infra, Chapter II, Section A, under Netherlands New Guinea (b)). See also: General Regulations of 29 April 1927 for the hunting of whales within three nautical miles of the coasts of the Netherlands Indies, article 1, as well as General Regulations governing pearl, mother-of-pearl, trepang and sponge fishing within three English nautical miles of the coasts of the Netherlands Indies, article 1 (infra, Chapter IV, under Netherlands New Guinea (a)) and (b).

New Zealand

(a) Fisheries Act of 1908, sections 2, 67 (infra, Chapter IV, under New Zealand (a)).

(b) Whaling Industry Act of 1935, section 2 (infra, Chapter IV, under New Zealand (d)).
Nicaragua

POLITICAL CONSTITUTION OF 1 NOVEMBER 1950

Article 4. The basis of the national territory is the uti possidetis juris of 1821.

Article 5. The national territory extends from the Atlantic to the Pacific Ocean and from the Republic of Honduras to the Republic of Costa Rica. It includes, in addition: the adjacent islands, the subsoil, the territorial waters, the continental shelf, the submerged lands, the air space and the stratosphere.

Norway

(a) ROYAL DEGREE OF 22 FEBRUARY 1812

Chancellery memorandum. On the 22nd day of this month His Majesty was pleased to resolve as follows: "It shall be an established rule that in all cases where Our Majesty's territorial frontier at sea falls to be determined, it shall be reckoned according to the customary distance in nautical miles from the outermost island or islet not swept over by the sea."

(b) ROYAL RESOLUTION OF 28 OCTOBER 1932 COVERING THE CUSTOMS LAW OF 22 JUNE 1928

II. Pursuant to section 3 of the above-mentioned law it is decreed that the statutory provisions concerning the customs inspection of vessels and concerning the loading and unloading of goods from or consigned to foreign countries and the dispatch of goods within the realm shall be applicable within a boundary lying ten nautical miles out to sea from the outermost islands and islets that are not continually swept over by the sea.

(c) ROYAL DEGREE OF 12 JULY 1935

On the basis of well-established national titles of right;
By reason of the geographical conditions prevailing on the Norwegian coasts;
In safeguard of the vital interests of the inhabitants of the northernmost parts of the country;
And in accordance with the Royal Decrees of the 22nd February, 1812, the 16th October, 1869, the 5th January, 1881, and the 9th September, 1889,
Are hereby established lines of delimitation towards the high sea of the

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Norwegian fisheries zone as regards that part of Norway which is situated northward of 66° 28.8’ north latitude.

These lines of delimitation shall run parallel with straight base-lines drawn between fixed points on the mainland, on islands or rocks, starting from the final point of the boundary line of the Realm in the easternmost part of Varangerfjorden and going as far as Trena in the country of Nordland.

The fixed points between which the base-lines shall be drawn are indicated in detail in a schedule annexed to this decree.

Schedule

1. The final point of the boundary line of the Realm, as laid down in the “Additional Protocol to the Protocol on the Demarcation of the Frontier between Norway and Finland of 1923”.
2. The most easterly, outermost point on Kibergneset, situated in 70° 17.3’ N. lat. and 31° 4.3’ E. long. Greenwich.
3. The outermost point on the eastern side of Hornøy, situated in 70° 23.3’ N. lat. and 31° 10.5’ E. long.
4. Staurneset on Hornøy, situated in 70° 23.4’ N. lat. and 31° 10.2’ E. long.
5. Kålneset on Reinøy, situated in 70° 23.9’ N. lat. and 31° 9.3’ E. long.
6. Korsneset, situated in 70° 40.5’ N. lat. and 30° 13.4’ E. long.
7. Molvikskjeret, situated in 70° 42.3’ N. lat. and 30° 6.3’ E. long.
8. Kjølneset, situated in 70° 51.2’ N. lat. and 29° 14.8’ E. long.
9. The rock with an iron pillar, eastward of the one on which Tørrbåne beacon stands, situated in 71° 6’ N. lat. and 28° 12.3’ E. long.
10. The rock outside the one on which Tørrbåne beacon stands, situated in 71° 6.1’ N. lat. and 28° 11’ E. long.
11. The outermost point on Avløyysa near Nordkyn, situated in 71° 8’ N. lat. and 27° 39.9’ E. long.
12. Knivskjerodden, situated in 71° 11.1’ N. lat. and 25° 40.9’ E. long.
13. Avløyysinga near the north-western point of Hjelmsøy, situated in 71° 6.9’ N. lat. and 24° 43.7’ E. long.
14. Stabben, the rock with an iron pillar northward of Ingøy, situated in 71° 6.1’ N. lat. and 24° 4.1’ E. long.
15. The northernmost Skagholmen, situated in 71° 5.8’ N. lat. and 23° 59’ E. long.
16. The dry rock situated in 71° 5.8’ N. lat. and 23° 58.8’ E. long.
17. The dry rock situated in 71° 5.7’ N. lat. and 23° 58.6’ E. long.
18. The westernmost Skagholmen, situated in 71° 5.7’ N. lat. and 23° 58.4’ E. long.
19. Rundskjeret (Bondøyskjeret), situated in 70° 51.5’ N. lat. and 22° 48.7’ E. long.
20. Darupskjeret, near the north-western point of Soroy (Fuglen), situated in 70° 40.5’ N. lat. and 21° 59.1’ E. long.
21. Vesterfallet in Gåsan, situated in 70° 25.2’ N. lat. and 19° 54.9’ E. long.
22. Sannifallet, situated in 70° 18.3’ N. lat. and 19° 53.3’ E. long.
23. Outer Fiskebåen, situated in 70° 12.8' N. lat. and 18° 38.1' E. long.
24. Juhåen, situated in 70° 6.2' N. lat. and 18° 23.6' E. long.
25. Saltbåen, situated in 69° 52.8' N. lat. and 17° 56.4' E. long.
26. The north-western point of Kjölvå, situated in 69° 36' N. lat. and 17° 29.4' E. long.
27. Tokkebåen, situated in 69° 29.5' N. lat. and 16° 57.3' E. long.
29. The northernmost of Svebåen, situated in 69° 20.3' N. lat. and 16° 2.8' E. long.
30. The westernmost of Skreingan, situated in 69° 15.6' N. lat. and 15° 48' E. long.
31. The northernmost of Flesan, northward of Langeneset, situated in 69° 6.1' N. lat. and 15° 10.1' E. long.
32. The northern point of Flesa in Floholman, outside Skogsøy, situated in 68° 53.4' N. lat. and 14° 41.1' E. long.
33. The northernmost of the northernmost of Floholman, outside Åsanfjorden, situated in 68° 44.7' N. lat. and 14° 19.5' E. long.
34. Utflesskjeret, situated in 68° 39.4' N. lat. and 14° 13.3' E. long.
35. Kverna, situated in 68° 19.5' N. lat. and 13° 41' E. long.
36. The northernmost dry rock near Skarvholman, situated in 68° 11' N. lat. and 13° 9.9' E. long.
37. The western point of the westernmost Skarvholman, situated in 68° 10.8' N. lat. and 13° 9.3' E. long.
38. The western point of Strandflesa, situated in 68° 8.7' N. lat. and 13° 4.2' E. long.
39. Nordbøen, situated in 67° 56.5' N. lat. and 12° 47.4' E. long.
40. Flesa, north-west of Værøy, situated in 67° 42.2' N. lat. and 12° 35.4' E. long.
41. Hombøen, northward of Skarvholman near Røst, situated in 67° 32.5' N. lat. and 12° 1.5' E. long.
42. Tørrbøen, situated in 67° 31.5' N. lat. and 11° 59.1' E. long.
43. Northern Skjortbaken, situated in 67° 29.1' N. lat. and 11° 52.2' E. long.
44. Havbøen, situated in 67° 25.9' N. lat. and 11° 49.8' E. long.
45. Flesjan, situated in 67° 24.1' N. lat. and 11° 51.1' E. long.
46. The western point of the westernmost Bremholmen, near Mykjen, situated in 66° 46.3' N. lat. and 12° 26.8' E. long.
47. The western point of the westernmost Froholmen, situated in 66° 35.5' N. lat. and 12° 2.3' E. long.
48. The western edge of Bövarden, situated in 66° 28.8' N. lat. and 11° 56.6' E. long.

Note. See also: Royal Decree of 22 December 1906, section 2 (infra, Chapter IV, under Norway (d)); Whaling Act of 16 June 1939, article 9 (infra, Chapter IV, under Norway (f)); Royal Decrees of 18 July and 17 October 1952 (infra, Chapter IV, under Norway (i)); and Decree of the Crown Prince Regent of 30 June 1955, section III (infra, Chapter IV, under Norway (k)).
Pakistan

(a) Fishery Act of 1897

4. (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word “water” includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

(b) Declaration by the Governor-General, 9 March 1950

I, Khwaja Nazimuddin, Governor-General of Pakistan, hereby declare in pursuance of clause (bb) of sub-section (1) of section 5 of the Government of India Act, 1935, that the sea bed along the coasts of Pakistan extending to the one hundred fathom contour into the open sea shall, with effect from the date of this declaration, be included in the territories of Pakistan.

Note. See also: Territorial Waters Jurisdiction Act of 1878, section 7 (infra, Chapter II, Section B, under United Kingdom (a)).

Peru

(a) Civil Code of 30 August 1936

Article 822. The following shall be State property:

2. The territorial sea and its shores and the adjoining area as defined by statute;

(b) Presidential Decree No. 781 of 1 August 1947 concerning the submerged continental or insular shelf

The President of the Republic,

With the advisory vote of the Cabinet:

1 Text of Act provided by the Permanent Mission of Pakistan to the United Nations.
3 Act of the Parliament of the United Kingdom in force in Pakistan.
4 Text of Code provided by the Ministry for Foreign Affairs of Peru. Translation by the Secretariat of the United Nations.
DECREES:

1. To declare that national sovereignty and jurisdiction can be extended to the submerged continental or insular shelf adjacent to the continental or insular shores of national territory, whatever the depth and extension of this shelf may be.

2. National sovereignty and jurisdiction are to be extended over the sea adjoining the shores of national territory whatever its depth and in the extension necessary to reserve, protect, maintain and utilize natural resources and wealth of any kind which may be found in or below those waters.

3. As a result of previous declarations the State reserves the right to establish the limits of the zones of control and protection of natural resources in continental or insular seas which are controlled by the Peruvian Government and to modify such limits in accordance with future changes which may originate as a result of further discoveries, studies or national interests which may arise in the future and at the same time declares that it will exercise the same control and protection on the seas adjacent to the Peruvian coast over the area covered between the coast and an imaginary parallel line to it at a distance of 200 (two hundred) nautical miles measured following the line of the geographical parallels. As regards islands pertaining to the Nation, this demarcation will be traced to include the sea area adjacent to the shores of these islands to a distance of 200 (two hundred) nautical miles, measured from all points on the contour of these islands.

4. The present declaration does not affect the right to free navigation of ships of all nations according to international law.

Note. See also: Letter of 8 August 1935 from the Naval General Staff to the Minister of Foreign Affairs (infra, Chapter III, under Peru (b)).

Philippines

(a) NOTE OF 12 DECEMBER 1955 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE PHILIPPINES

The official pronouncement of the Government of the Republic of the Philippines, as contained in its diplomatic notes to various countries, is as follows:

"The position of the Philippine Government in the matter is that all waters around, between and connecting the different islands belonging to the Philippine Archipelago irrespective of their widths or dimensions, are necessary appurtenances of its land territory, forming an integral part of the national or inland waters, subject to the exclusive sovereignty of the Philippines. All other water areas embraced in the imaginary lines described in the Treaty of Paris of December 10, 1898, the treaty concluded at Washington, D.C., between the United States and Spain on November 7, 1900, and the Agreement of January 2, 1930, between the United States and the United Kingdom, and the Convention of

1 Martens, Nouveau Recueil général de traités, 2ème série, tome XXXII, p. 74.
2 Ibid., p. 82.
3 Ibid., 3ème série, tome XXVII, p. 58.
July 6, 1932 between the United States and Great Britain, as reproduced in Section 6 of Act No. 4003 and Article I of the Philippine Constitution, are considered as maritime territorial waters of the Philippines for purposes of protection of our fishing rights, conservation of our fishing resources, enforcement of revenue and anti-smuggling laws, defense and security, etc.

"It is the view of our Government that there is no rule of international law which defines or regulates the extent of the inland waters of a State."

(b) **Petroleum Act of 1949, enacted by Republic Act No. 387 of 18 June 1949**

*Article 3. State Ownership.* All natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the State, inalienably and imprescriptibly.

**Note.** See also: Fisheries Act No. 4003 of 5 December 1932, section 6 (infra, Chapter IV under Philippines)

**Poland**

(a) **Order of the President of the Republic concerning the maritime boundary of the State, 21 October 1932**

*Article 1.* The territorial waters of the State shall be bounded by a line drawn at a constant distance of three nautical miles from the coast and the boundary of internal waters . . .

(b) **Order of the President of the Republic concerning customs law, 27 October 1933**

*Article 5.* The area of the sea extending six nautical miles from the customs boundary shall constitute the maritime customs zone.

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Roumanie

DÉCRET N° 39 DU 28 JANVIER 1956, CONCERNANT LA RÉGLEMENTATION DU RÉGIME DES EAUX TERRITORIALES DE LA RÉPUBLIQUE POPULAIRE ROUMAINE, ARTICLES 1er, 2, 3 (infra, CHAPITRE II, SECTION A, ROUMANIE (a))

Sweden

(a) ROYAL ORDER NO. 397 OF 21 AUGUST 1924 CONCERNING THE EXTENT OF SWEDISH WATERS IN THE AREA NEAREST TO THE SEA FRONTIER BETWEEN SWEDEN AND NORWAY ¹

His Majesty has seen fit to order that the provisions of [article 1, paragraph 2 of the Customs Act of 1 July 1904] relating to the extent of Swedish waters shall, with respect to the area adjoining the sea frontier between Sweden and Norway, be so construed that Swedish waters shall, subject to due observance of the frontier laid down in the judgment of 23 October 1909, of the court of arbitration between Sweden and Norway, extend for one geographical mile from the coast or from those islets and rocks lying furthest out to sea from the coast which are not continually submerged or from the part situated on the Swedish side of the frontier of the straight line, referred to in the judgment of the court of arbitration, joining the most northerly of the rocks known as Stora Drammen with the rock Hejeknubb which rises from the sea to the south-east of the island of Heja.

(b) ROYAL NOTICE NO. 317 OF 5 JUNE 1953 CONCERNING THE PEACETIME DIVISION OF THE ARMED FORCES AND THE DIVISION OF THE KINGDOM INTO MILITARY DISTRICTS ²

Article 2. For the purposes of the land forces, the Kingdom shall be divided into military areas. The military areas shall be divided into defence areas. Certain defence areas shall be naval districts.

The territorial waters along the coasts of the Kingdom shall be divided for naval purposes into naval districts. The naval districts shall also include such portion of a naval defence area as does not consist of territorial waters.

For the purposes of the air forces, the Kingdom shall be divided into airbase areas.

The military areas, naval districts, airbase areas and defence areas are listed in annex II to this Notice.


ANNEX II. MILITARY AND DEFENCE AREAS, NAVAL DISTRICTS AND AIRBASE AREAS

Naval Districts. Norrland Coast Naval District (MDN)

Headquarters: Härnösand.
Extent of the district: Hemsö Defence Area (Fo 24) and the territorial waters along the coast of the Kingdom from the national frontier at the Torne river to the county boundary between Stockholm and Uppsala counties (from the coast of the mainland at Rångön to the east shore of Hästen)—the east point of Brodbådan—longitude 18°10' northwards to the outer limit of the territorial waters.

Gustavsvik naval depot, Hemsö coast-artillery defences with coast-artillery unit No. 5.

Note. See also: Royal Order No. 31 of 9 February 1945, article 2 (infra, Chapter II, Section A, under Sweden (a)); Customs Decree No. 391 of 7 October 1927, article 1 (infra, Chapter II, Section A, under Sweden (b)); Royal Order No. 84 of 29 April 1932 (infra, Chapter II, Section A, under Sweden (e)); Act No. 463 of 27 November 1925 (infra, Chapter II, Section A, under Sweden (f)); Royal Order No. 65 of 3 April 1934 (infra, Chapter II, Section A, under Sweden (h)); Notice No. 13 of 24 January 1936, article 1 (infra, Chapter II, Section A, under Sweden (i)); Royal Notice No. 467 of 21 November 1925, article 2 (infra, Chapter III, under Sweden (a)); Royal Order No. 21 of 5 May 1871 (infra, Chapter IV, under Sweden (a)); Royal Order No. 75 of 4 July 1910 (infra, Chapter IV, under Sweden (b)); Royal Order No. 282 of 2 June 1933, articles 1, 2 (infra, Chapter IV, under Sweden (c)); Rules of Neutrality of 27 May 1938, article 1, footnote (2) (infra, Chapter V, under Sweden).

Turkey

Note. According to the Note received on 16 July 1956 from the Permanent Representative of Turkey to the United Nations, a new law on the Turkish territorial sea is under preparation and will bring important modifications to the previous legislation on this matter.

Union of South Africa

(a) SEA-SHORE ACT No. 21 OF 1935 2

1. In this Act, unless inconsistent with the context—
“sea-shore” means the land situated between low-water mark and high-water mark;

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1 For the purposes of this Notice, the term “territorial waters” means:
(a) Harbours, harbour entrances and bays along the coasts of the Kingdom together with other maritime waters inshore of and between the islands, islets and drying rocks lying off the coasts; and
(b) All other maritime waters up to a distance of four nautical miles, or 7,408 metres, from the land domain of the Kingdom or from lines representing the seaward boundary of the waters referred to in (a), but not beyond the limit, as specifically determined, of another country's territorial waters.

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“high-water mark” means the highest line reached by the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;
“low-water mark” means the lowest line to which the sea recedes during periods of ordinary spring tides;
“three-mile limit” means the distance of three nautical miles out to sea from low-water mark;

2. (1) Subject to the provisions of this Act, the Governor-General shall be the owner of the sea-shore, except of those portions thereof of which the ownership has been transferred to or declared to be vested in any person by or pursuant to any law or which are included in the pieces of land described in items 2, 3, 4, and 5 of the Schedule to this Act.
(2) The sea-shore of which the Governor-General is declared by this section to be the owner shall not be capable of being alienated or let except as provided by this Act or by any other law and shall not be capable of being acquired by prescription.

3. Subject to the provisions of this Act, the Governor-General shall be entitled to exercise full control over the sea-shore of which he is declared by section two to be the owner and of the sea and the bed of the sea within the three miles limit.

5. The Governor-General may, if authorized thereto by resolution of both Houses of Parliament, and on such conditions as may be set forth in such resolution —

(c) Permit the construction or laying on the bed of the sea within the three miles limit of —
(i) Cables, wharves, piers, breakwaters, sea walls, embankments, jetties, landing-stages or other structures,
(ii) Drainpipes or sewers, or
(iii) Any work of public utility;
(d) Permit the removal for industrial purposes of shells from the bed of the sea within the three miles limit;

6. The Governor-General may, if authorized thereto by a resolution of both Houses of Parliament and on such conditions as may be set forth in such resolution, authorize the use of the sea-shore of which he is by section two declared to be the owner or the bed of the sea within the three miles limit for the purpose of any Government undertaking or work.

7. (2) The power conferred by section five of the Public Health Act, 1919, Amendment Act, 1927 (Act No. 36 of 1927) on the Minister of Public Health or the Administrator of a Province or a magistrate or a local authority, as defined in the Public Health Act, 1919 (Act No. 36 of 1919), as amended by the said Act, to delegate to certain persons or to a local authority a function or duty vested in or devolving upon him or it under the said Acts, may be exercised as regards any function or duty which may vest
in or devolve upon him or it under the said Acts as regards any portion of
the sea-shore or the sea or the bed of the sea within the three miles limit.

8. For the purposes of any law which is or at any time has been in
force in any part of the Union relating to the exploitation of metals, min-
erals, precious stones, coal or oil, the sea-shore of which the Governor-
General is by section two declared to be the owner and the bed of the sea
within the three miles limit shall be deemed to be Crown land; and, in
the application of any such law, this section shall be deemed to have been in
operation as from the commencement of such law.

10. (1) The Governor-General may make regulations, not inconsistent
with this Act —

(c) Concerning the removal from the sea-shore or the bed of the sea
within the three miles limit of sand, shingle, rock, stone, shells or seaweed;
(d) For the prevention or the regulation of the depositing or the dischar-
ging upon the sea-shore or in the sea within the three miles limit of offal,
rubbish or anything liable to be a nuisance or danger to health;
(e) Concerning the control, generally, of the sea-shore and of the sea
and the bed of the sea within the three miles limit;
(f) Prescribing fees for the doing of any act upon or in or in relation to
the sea-shore or the bed of the sea or the sea within the three miles limit;

(3) Any regulation may be expressed to apply to the whole or to any
defined portion of the sea-shore (whether it has been alienated or not) or
the bed of the sea or the sea within the three miles limit; and whenever any
regulation applies to any portion of the sea-shore situate within or adjoining
the area of any local authority, or to any portion of the bed of the sea or the
sea within the three miles limit adjoining such portion of the sea-shore, the
Governor-General may by that regulation (or by any other regulation
made under this section) confer powers and impose duties in relation to the
administration of such regulation upon such local authority or upon any
of the officers;

(4) Any regulation may provide that all fees or fines recovered there-
under or under any other regulations made under this section, in respect of
acts done upon or in relation to any portion of the sea-shore situate within
or adjoining the area of any local authority, or upon or in or in relation to
any portion of the bed of the sea or the sea within the three miles limit
adjoining such portion of the sea-shore, shall accrue to that local authority.

(b) Rock Lobster Export Act No. 9 of 1940, as amended by Act
No. 34 of 1951 and Act No. 16 of 1953

1. In this Act, unless inconsistent with the context . . . "the Union" includes the sea within three nautical miles from any part of the shores of the Union.

1 Text of Act provided by the Permanent Mission of the Union of South Africa to the United Nations.
2. No person shall bury at sea the dead body of any person within a distance of three nautical miles from the low water line on any part of the coast of the Union.

Note. See also: Customs Act of 1955, section 8 (infra, Chapter II, Section A under Union of South Africa (e)); Territorial Waters Jurisdiction Act of 1878, section 7 (infra, Chapter II, Section B, under Union of South Africa); Sea Fisheries Regulations—Government Notice No. 1353 of 1 July 1955 (infra, Chapter IV, under Union of South Africa (b)); Sea Fisheries Proclamations (infra, Chapter IV, under Union of South Africa (e)).

South West Africa

Sealing and Fisheries Ordinance No. 12 of 1949, article 1 (infra Chapter IV, under South West Africa)

Union of Soviet Socialist Republics

(a) Regulations of the defence of the state frontiers of the USSR of 15 June 1927, Article 9 (infra, Chapter II, Section A, under USSR (a));

(b) Act No. 431 of 20 July 1928 concerning the use of radio equipment on foreign vessels within the territorial waters of the Union, Article 1 (infra, Chapter II, Section A, under USSR (b));

(c) Merchant Shipping Code of 14 June 1929, Article 1 (infra, Chapter II, Section A, under USSR (c));

(d) Notice of 1941 concerning fortified zones and rules for navigation therein (infra, Chapter II, Section A, under USSR (f));

(e) Circular concerning the execution of descriptive hydrographic and hydrological work in seas adjacent to the USSR (infra, Chapter II, Section A, under USSR (i));

(f) Regulations of 10 August 1954 concerning the conservation of fishery resources and the regulation of fishing in the waters of the USSR, Article 1 (infra, Chapter IV, under USSR).

(g) Air Code of 7 August 1935.

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1 E. H. Cluver, Medical and Health Legislation in the Union of South Africa, South Africa, 1949, p. 527 et seq.
2 Approved by the Central Executive Committee and the Council of People’s Commissars of the USSR on 7 August 1945 (Sobranie Zakonov, 1935, No. 43, p. 359 a), text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.
CHAPTER I

General Provisions

1. The USSR has complete and exclusive sovereignty over the airspace of the USSR.

The airspace of the USSR shall be understood to be the airspace above the lands and waters comprised within the territory of the USSR and above the coastal maritime zone as defined by the laws of the USSR.

2. The Air Code of the USSR shall apply within the limits of the lands and waters comprised within the territory of the USSR, the coastal maritime zone, as defined by the laws of the USSR, and the airspace of the USSR.

United Kingdom of Great Britain and Northern Ireland

(a) Merchant Shipping Act, 1894, section 688 (infra, Chapter II, Section A, under United Kingdom (a))

(b) Customs and Excise Act, 1952, sections 75, 76 (infra, Chapter II, Section A, under United Kingdom (h))

(c) Territorial Waters Jurisdiction Act, 1878, section 7 (infra, Chapter II, Section B, under United Kingdom (a))

(d) North American Fisheries Act, 1819, section 2 (infra, Chapter IV, under United Kingdom (b))

(e) Sea Fisheries Act, 1868, section 67 (infra, Chapter IV, under United Kingdom (d))

(f) Herring Fishery (Scotland) Act, 1889, sections 6, 7 and Schedule (infra, Chapter IV, under United Kingdom (h))

(g) Sea Fisheries Regulations (Scotland) Act, 1895, section 10 (infra, Chapter IV, under United Kingdom (k))

(h) Whale Fisheries (Scotland) Act, 1907, section 3 (infra, Chapter IV, under United Kingdom (l))

(i) Trawling in Prohibited Areas Prevention Act, 1909, section 5 (infra, Chapter IV, under United Kingdom (m))

(j) Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951

PART I. PROHIBITION OF CERTAIN METHODS OF TAKING AND DESTROYING FISH

1. If any person without legal right, or without written permission from a person having such right, fishes for or takes salmon in any waters including any part of the sea within one mile of low water mark, he shall be guilty of an offence and shall be liable on summary conviction to a fine

1 14 & 15 Geo. 6 Ch. 26. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
not exceeding ten pounds, and to the forfeiture of any fish illegally taken by him or in his possession at the time of the offence.

(k) Western Pacific Order in Council, 1877

British Order in Council, for the Regulation of British Jurisdiction in the Western Pacific Islands (Friendly Islands, Navigators' Islands, Union Islands, Phoenix Islands, Ellice Islands, Gilbert Islands, Marshall Islands or Archipelago, Caroline Islands, Solomon Islands, Santa Cruz Islands, Rotumah Island, part of Island of New Guinea, Islands or Archipelago of New Britain and New Ireland, Louisiade Archipelago, etc.) and the water within 3 miles of every island or place above-mentioned.

PART II. EXTENT AND APPLICATION OF ORDER

5. The islands and places in the Western Pacific Ocean to which this Order extends and applies, and which are in this Order collectively referred to as the Western Pacific Islands, are the following, namely:

1. The groups of islands known as
   - The Friendly Islands
   - The Navigators' Islands
   - The Union Islands
   - The Phoenix Islands
   - The Ellice Islands
   - The Gilbert Islands
   - The Marshall Islands or Archipelago
   - The Caroline Islands
   - The Solomon Islands
   - The Santa Cruz Islands.

2. The Island of Rotumah.

3. The part of the Island of New Guinea eastward of the 143rd meridian of longitude.

4. The islands or Archipelago of New Britain and New Ireland.

5. The Louisiade Archipelago

6. All other islands in the Western Pacific Ocean not being within the limits of the colonies of Fiji, Queensland, or New South Wales, and not being within the jurisdiction of any civilised Power.

7. The waters within 3 miles of every island or place aforesaid.

6. This Order applies to:

1. All British subjects for the time being within the Western Pacific Islands, whether resident or not.

2. All British vessels for the time being within the waters mentioned in Article 5 of this Order.

3. Foreigners, in the cases, and according to the conditions in this Order specified, but not otherwise.

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1 Hertslet's Commercial Treaties, vol. XIV, p. 871.
Bahamas

**BAHAMAS (ALTERATION OF BOUNDARIES) ORDER IN COUNCIL No. 2574 OF 1948**

2. The boundaries of the Colony of the Bahamas are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of the Bahamas.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

*Note.* Similar provisions are to be found in Sections 2 and 3 of the following Acts relating to the following Colonies:

- **British Guiana:** (Alteration of Boundaries) Order in Council of 1954 (Statutory Instruments, 1954, No. 1372, Colonies, Protectorates and Trust Territories);
- **British Honduras:** (Alteration of Boundaries) Order in Council of 1950 Statutory Instruments, No. 1649;
- **Brunei:** Sultan's Proclamation of 30 June 1954, sections 1, 2 (Government Gazette, Supplement No. 9, 31 July 1954, p. 159);
- **Jamaica:** (Alteration of Boundaries) Order in Council of 1948 (United Kingdom, Statutory Instruments, 1948, vol. I, p. 1664);
- **North Borneo:** (Alteration of Boundaries) Order in Council of 1954 (The Laws of North Borneo, Supplement to the Revised Edition, 1953, vol. VII, p. 637);
- **Sarawak:** (Alteration of Boundaries) Order in Council of 1954 (The Sarawak Government Gazette Extraordinary, Part. II, vol. IX, 30 June 1954, No. 18, p. 200);

Bermuda

**BERMUDA INTERPRETATION ACT OF 9 JULY 1951**

5. In every Act and in every statutory instrument —

(f) the expression "waters of these Islands" or the expression "territorial waters" (used in relation to these Islands), includes all bays, sounds, anchorages, harbours and creeks, and all waters within a line drawn three nautical miles outside the outer reefs of these Islands.

British Solomon Islands

Customs Management Regulation of 18 February 1907, sec. 2 (infra, Chapter II, section A, under British Solomon Islands (a)).

Cyprus

**INTERPRETATION LAW OF 20 SEPTEMBER 1935**

2. In this Law and in every other Law, and in all public instruments, enacted, made, issued, kept or in use, before or after the commencement of this Law, the following words and expressions shall have the meanings


hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided —

"territorial waters" means any part of the open sea within one marine league of the coast of the Colony, measured from low water mark:

Falkland Islands

FALKLAND ISLANDS (CONTINENTAL SHELF) ORDER IN COUNCIL OF 1950

(2) The boundaries of the colony of the Falkland Islands are hereby extended to include the area of the continental shelf being the sea bed and its subsoil contiguous to the coasts of the Falkland Islands. The boundary of such area shall be from a position on the 100-fathom line 110 nautical miles 023 degrees true from Jason West Cay (the westernmost of the Jason Islands, latitude 50 degrees 58 minutes south, longitude 61 degrees 27 minutes west approximately), following the 100-fathom line as shown on admiralty chart No. 2202 B round the northern, eastern, southern and western sides of the Falkland Islands to a position 20 nautical miles 278 degrees true from Jason West Cay, thence by a straight line crossing in its narrowest part the area where the depths are less than 100 fathoms, in a 032 degree true direction for 115 nautical miles to the starting point.

(3) Nothing in this order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. See also: Customs Ordinance of 6 December 1943, section 2 (infra, Chapter II, Section A, under Falkland Islands).

Fiji

FISHERIES ORDINANCE OF 1 JANUARY 1942, SECTION 2 (infra, CHAPTER IV, UNDER FIJI)

Gilbert and Ellice Islands Colony

FISHERIES ORDINANCE OF 1 APRIL 1946, SECTION 2 (infra, CHAPTER IV, UNDER GILBERT AND ELICE ISLANDS COLONY)

Kenya

INTERPRETATION AND GENERAL CLAUSES ORDINANCE, 18 MAY 1948

2. In this Ordinance and in every other Ordinance and in all public documents enacted, made or issued before or after the coming into operation of this Ordinance, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is some-

1 International Court of Justice, Fisheries Case (United Kingdom v. Norway), vol. IV, p. 598.

thing in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided —

"Colony" means the Colony of Kenya and "Protectorate" means the Protectorate of Kenya; Provided that the expression "Colony" shall be taken as including the expression "Protectorate" unless the contrary intention is stated;

"territorial waters" means any part of the open sea within three nautical miles of the coast of the Colony measured from low water mark, and includes any inland waters of the Colony.

Federation of Malaya

INTERPRETATION AND GENERAL CLAUSES ORDINANCE, 1948

Definitions

2. In this Ordinance, ...

(90) "territorial waters" means, with reference to any State or Settlement, the inland waters of the State or Settlement and such part of the sea adjacent to the coast of the State or Settlement as is deemed by international law to constitute the territorial waters of the State or Settlement;

Mauritius

DISTRICTS ORDINANCE OF 1 SEPTEMBER 1875

3. Districts having a sea-coast shall be held to extend seaward to a distance of three miles:

Provided that the Governor may by proclamation extend the seaward limits of Districts to a greater distance than three miles.

Nigeria

INTERPRETATION ORDINANCE OF 9 NOVEMBER 1939

3. Definitions:

"Nigeria" used without qualification means the Colony and Protectorate of Nigeria together with all the inland and territorial waters thereof;

"territorial waters" means any part of the open sea within three nautical miles of the coast of Nigeria, measured from low water mark;

1 Malayan Union and Federal Ordinances and State and Settlement Enactments, 1948, No. 7, p. 31, 41.
North Borneo

SEED PEARLS ORDINANCE OF NORTH BORNEO, 1917

The following are declared to be Native Reserves:

Sandakan Bay . . . The whole.
Labuk District . . All that area to the west of a straight line drawn from Nioog Point to Samawang Point.
Marudu Bay . . . The whole.
Padas Bay . . . All that area to the east of a straight line drawn from Bangalalak (Padas Damit) to Sipitang.
Darvel Bay . . . All that area west of a straight line drawn from Tanjong Melandong on the south-west point of Darvel peninsula to the north-west point of Bumbum Island together with Trusan Treacher.
Maruap . . . . All that area south-west of a straight line drawn, from Driftwood Point at the mouth of the Kinabatangan River to the south-west point of Tambisan Island.

Sarawak

INTERPRETATION ORDINANCE OF 1953

PART I

General Provisions of Interpretation

3. (1) "Colony" means the Colony of Sarawak and the territorial waters adjacent thereto;

"territorial waters" means the inland waters of the Colony and such part of the sea adjacent to the coast of the Colony as is deemed by international law to constitute the territorial waters of the Colony;

Sierra Leone

FORESHORES ORDINANCE, 1 AUGUST 1931

3. The Governor may —

(a) Construct wharves along or out from the foreshore of the Colony or in the sea-bed adjacent thereto;
(b) Reclaim any part of the foreshore or sea-bed in the Colony or in any tidal river, creek or channel therein;
(c) Erect buildings upon any areas of land reclaimed from the sea;
(d) Dredge the sea-bed in the Colony or in any tidal river, creek or channel therein;

1 International Court of Justice, Fisheries Case (United Kingdom v. Norway) vol. III, p. 707.
2 Colony of Sarawak, Government Gazette, First Supplement, No. 6 of 1953, p. 31, 36.
(e) Alienate, lease or otherwise dispose of any part of any reclaimed area.

4. (1) The Governor may, by proclamation published in the Gazette, declare any lands formed by the reclamation of any part of the foreshore of the Colony, or any area of land reclaimed from the sea or in any tidal river, creek or channel to be Crown land, and thereupon such land shall immediately vest in the Crown freed and discharged from all public and private rights which may have existed or been claimed over such foreshore, sea-bed or bed of any tidal river, creek or channel before the same were so reclaimed.

(2) A plan of the said land bearing a certificate of the said declaration under the hand of the Director of Surveys and Lands shall be registered in the office of the Registrar-General.

10. Where any lease or grant has, prior to the commencement of this Ordinance, been made by the Government of any land being part of the foreshore or sea-bed within the territorial waters of the Colony, and any wharf or other work or building has been erected thereon, such lease or grant shall be deemed to be a valid conveyance and to have conveyed the foreshore or sea-bed, thereby expressed to be demised or granted, free and discharged from all public rights which have existed or been claimed over such foreshore or sea-bed before the making of such grant or lease.

18. Nothing in this Ordinance shall be deemed to be in derogation of any of the powers or rights of the Crown in respect of the foreshore, territorial or inland tidal waters of the Colony.

Singapore

STRAITS SETTLEMENTS AND JOHORE TERRITORIAL WATERS (AGREEMENT) ACT, 1928

An Act to approve an Agreement concluded between His Majesty and the Sultan of the State and Territory of Johore (1609) (3rd August 1928)

1. Approval of Agreement. The approval of Parliament is hereby given to the said Agreement.

NOTE

The said Agreement. This is the Agreement set out in the Schedule to this Act.

Schedule

Article 1. The boundary between the territorial waters of the Settlement of Singapore and those of the State and Territory of Johore shall, except as hereafter specified in this Article, be an imaginary line following the centre of the deep-water channel in Johore Strait, between the mainland

of the State and Territory of Johore on the one side and the Northern Shores of the Islands of Singapore, Pulau Ubin, Pulau Tekong Kechil, and Pulau Tekong Besar on the other side. Where, if at all, the channel divides into two portions of equal depth running side by side, the boundary shall run midway between these two portions. At the Western entrance of Johore Strait, the boundary, after passing through the centre of the deep-water channel Eastward of Pulau Merambong, shall proceed seaward, in the general direction of the axis of this channel produced, until it intersects the 3-mile limit drawn from the low water mark of the South Coast of Pulau Merambong. At the Eastern entrance of Johore Strait, the boundary shall be held to pass through the centre of the deep-water channel between the mainland of Johore, Westward of Johore Hill, and Pulau Tekong Besar, next through the centre of the deep-water channel between Johore Shoal and the mainland of Johore, Southward of Johore Hill, and finally turning Southward, to intersect the 3-mile limit drawn from the low water mark of the mainland of Johore in a position bearing 192 degrees from Tanjong Sitapa.

The boundary as so defined is approximately delineated in red on the map annexed hereunto and forming part of this Agreement. Should, however, the map, owing to alterations in the channels, etc., appear at any time to conflict with the text of this Agreement, the text shall in all cases prevail.

Article 2. Subject to the provisions of Article 1 hereof, all those waters ceded by Their Highnesses the Sultan and Tumungong of Johore under Treaty of the 2nd of August, 1824, which are within three nautical miles of the mainland of the State and Territory of Johore measured from low water mark shall be deemed to be within the Territorial waters of the State and Territory of Johore.

Article 3. All islets lying within the Territorial waters of the State and Territory of Johore, as defined in Articles 1 and 2 hereof, which immediately prior to this Agreement formed part of His Britannic Majesty's dominions, are hereby ceded in full sovereignty and property to His Highness the Sultan of the State and Territory of Johore, his heirs and successors for ever.

Somaliland Protectorate

(a) Fisheries Ordinance, 16 March 1934

2. In this Ordinance unless the context otherwise requires —

“Somaliland Protectorate” includes that part of the sea adjacent to the coasts thereof which is within three nautical miles measured from low water mark.

2. In this Ordinance and in any other Ordinance relating to the Customs, unless the context otherwise requires —

"waters of the Protectorate" means any waters within a space contained within an imaginary line drawn parallel to the shores or outer reefs of the Protectorate which appear above the surface at low water mark at ordinary spring tides and distant three miles therefrom.

Note. See also the following Regulation relating to the British Solomon Islands: Customs Management Regulation of 18 February 1907, section 2 (infra, Chapter II, Section A, under British Solomon Islands (a)); and the following Ordinance relating to Trinidad: Fisheries Ordinance of 11 December 1916, section 2 (infra, Chapter IV, under Trinidad).

**United States of America**

**Submerged Lands Act**

**Subchapter I. General Provisions**

**Section 1301. Definitions.**

When used in this chapter —

(a) The term "lands beneath navigable waters" means —

1. All lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

2. All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and

3. All filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as hereafter approved by the Congress, or as extended or confirmed pursuant to section 1303 of this title but in no event shall the term "boundaries" or the

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term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico.

(e) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

(f) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

Section 1302. Resources seaward of the Continental Shelf

Nothing in this chapter shall be deemed to affect in any wise the right of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed.

SUBCHAPTER II. LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

Section 1311. Rights of the States—(a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

Section 1312. Seaward boundaries of States

The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or,
in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union or if it has been heretofore approved by the Congress.

Note. See also: Tariff Act of 1930, as amended, section 1401 (m) (infra Chapter II, Section A under USA (d)); Anti-Smuggling Act of 1935, as amended, sections 1701, 1709 (c) (infra, Chapter II, Section A, under USA (e)); Offences Against Neutrality, Criminal Code of 1909, as amended section 461 (infra, Chapter V, under USA (e)).

States of the Union

Note of 29 February 1956 received from the Secretary of State of the United States of America

"... So far as concerns the references to the laws of California, Louisiana and Texas, [see below] these provisions cannot be regarded as being determinative at present of the régime of the territorial sea of the United States. The Submerged Lands Act of 1953 limits to three miles the distance to which the boundaries of coastal States of the Union may extend into the Atlantic Ocean or the Pacific Ocean. While the Act does not preclude States of the Union bordering on the Gulf of Mexico from establishing claims to more than three miles into the Gulf of Mexico, there has been no adjudication to date of any such claims..."

California

Constitution of the State of California

Article XXI. Boundary

Boundary of the State of California

Section 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twelfth degree of longitude west from Greenwich, and running south on the line of said one hundred and twelfth degree of west longitude until it intersects the thirty-ninth degree of north

latitude; thence running in a straight line, in a southeasterly direction, to
the River Colorado, at a point where it intersects the thirty-fifth degree of
north latitude; thence down the middle of the channel of said river to the
boundary line between the United States and Mexico, as established by
the treaty of May thirtieth, one thousand eight hundred and forty-eight;
thence running west and along said boundary line to the Pacific Ocean,
and extending therein three English miles; thence running in a north-
westerly direction and following the direction of the Pacific Coast to the
forty-second degree of north latitude; thence on the line of said forty-second
degree of north latitude to the place of beginning. Also, including all the
islands, harbors, and bays along and adjacent to the coast. [Constitution of
1849, Art. XII, Sec. 1., revised 1879]

Note. For Louisiana and Texas, see respectively: Act No. 55 of 30 June
1938 to declare the sovereignty of Louisiana along its seacoast and to fix
its present seacoast boundary and ownership, Acts Passed by the Legislature
of the State of Louisiana, 1938, p. 169; and Act of 16 May 1941 declaring the
sovereignty of Texas along its seacoast, General and Special Laws of the State
of Texas, 47th Legislature (1941), ch. 286, p. 454. These Acts have been
published in the United Nations Legislative Series, Laws and Regulations on
the Régime of the High Seas, Vol. 1, 1951, pp. 41 and 114.

Yugoslavia

(a) Act of 1 December 1948 concerning the coastal waters of the
Federal People’s Republic of Yugoslavia, articles 2, 3, 5, 7
(infra, Chapter II, Section A, under Yugoslavia (a))

(b) Regulations for the execution of the Customs Act, 2 February
1949, article 4 (infra, Chapter II, Section A, under Yugoslavia (c))

(c) General Act on Maritime Fishing, 23 January 1950, article 4
(infra, Chapter IV, under Yugoslavia)
Chapter II

LEGAL REGIME CONCERNING SHIPS, OTHER THAN WARSHIPS, IN THE TERRITORIAL SEA

Section A

NAVIGATION, SECURITY, FISCAL, CUSTOMS AND SANITARY MATTERS

Australia

(a) MERCHANT SHIPPING ACT, 1894 (AN ACT OF THE PARLIAMENT OF THE UNITED KINGDOM IN FORCE IN AUSTRALIA) (infra, CHAPTER II, SECTION A, UNDER UNITED KINGDOM (a))

(b) NAVIGATION ACT 1912-1953

PART I. INTRODUCTORY

1A. The provisions of this Act expressed to apply to ships registered in Australia shall, subject to sections two and three of this Act, also apply to, and be in force on, other British ships whose first port of clearance and whose port of destination are within the Commonwealth.

2. (1) This Act shall not apply in relation to any Australian-trade ship, limited coast-trade ship, or river and bay ship, or her master or crew, unless the ship —

(c) is in the territorial waters of any Territory under the authority of the Commonwealth.

3. This Act shall not apply to ships belonging to the King’s Navy, or the Navy of the Commonwealth or of any British possession, or to the Navy of any foreign Government.

6. In this Act, unless the contrary intention appears —

“River and bay ship” includes every ship which trades exclusively within the limits of any port, bay, or river, or within prescribed limits in any gulf or gulfs, within the Commonwealth, including a Territory being part of the Commonwealth and also includes any ship or class of ships, specified by the Minister by notice in the Gazette, which trades exclusively within the limits of a specified port, bay or river and within a radius of three nautical miles seaward from the entrance of the port, bay or river:

“Tidal waters” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour:

“Territory under the authority of the Commonwealth” includes any territory governed by the Commonwealth under a Mandate:

PART VII. WRECKS AND SALVAGE

Division 2. Wreck

296. (1) Where any ship is wrecked, stranded, or in distress at any place on or near the coast of Australia or any tidal water within Australia, the receiver for the district shall proceed thither, and upon arrival shall take the command of all persons present, and give such directions to each person as he thinks fit for the preservation of the ship, and of the lives of the persons belonging to the ship (in this Part of this Act referred to as shipwrecked persons), and of the wreck:

Provided that the receiver shall not interfere between the master and the crew of the ship in reference to the management thereof, unless requested to do so by the master.

305. (1) The owner of any wreck in the possession of the receiver, upon establishing his claim thereto to the satisfaction of the receiver within one year from the time at which the wreck came into his possession, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where any wreck from a foreign ship, which has been wrecked on or near the coasts of Australia, is found on or near those coasts, or is brought into any port in Australia, the consul of the country to which the ship or in the case of cargo to which the owner thereof belongs, shall, in the absence of the owner and of any agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the goods.

Division 3. Salvage

315. (1) Where services are rendered within Australian waters in saving life from any ship, or elsewhere in saving life from any British ship,
there shall be payable, to the salvor, by the owner of the ship, cargo, or equipment saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life, when payable by the owners of the ship, shall be payable in priority to all other claims for salvage.

316. When it is made to appear to the Governor-General that the Government of any foreign country is willing that salvage should be awarded by any Courts in Australia for services rendered in saving life from ships belonging to that country when the ship is beyond the limits of British jurisdiction, he may by order direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

317. Where any ship is wrecked stranded or in distress at any place on or near the coasts of Australia or any tidal water within Australia, and services are rendered by any person in assisting that ship or saving any wreck, there shall be payable to the salvor, by the owner of the ship or wreck, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

Division 6. Removal of Wreck

329. (1) If any ship is wrecked, stranded, sunk, or abandoned on or near the coast of Australia, the Minister shall have, in regard thereto, the following powers:

(a) To require the owner thereof, by notice in writing, to remove the wreck within a time specified in the notice, or give security for such removal to his satisfaction;

(b) In the event of the owner not complying with such notice, to remove or destroy the wreck in any manner he sees fit;

(c) To sell any wreck recovered under his orders, and out of the proceeds of the sale to retain a sum to cover the expenses incurred in the recovery and sale of the wreck, paying the surplus (if any) to the owner;

(d) To recover from the owner any expenses incurred by him in connexion with such removal or destruction.

(2) For the purposes of this section "owner" means the owner immediately prior to the time of the loss or abandonment of the ship.

PART VIII. PILOTS AND PILOTAGE

335. (1) There shall be paid upon every ship (not exempt from pilotage dues) entering, leaving or navigating within any port proclaimed as a port at which the employment of a pilot is compulsory, pilotage dues according to the prescribed rates.

340. (1) The following ships shall be exempt from pilotage dues unless a pilot is actually employed:
(a) British ships the masters of which hold valid pilotage exemption certificates; and
(b) Mission ships.

(2) The regulations may exempt from compulsory pilotage and, where a pilot is not employed, from the liability to pay pilotage dues, the following classes of ships, up to such limit of gross tonnage in each case as it prescribed:
(a) Ships, other than passenger ships, engaged exclusively in the coasting trade;
(b) River and bay ships; and
(c) Pleasure yachts, fishing vessels, and other vessels, as prescribed, not carrying passengers or goods for hire.

PART IX. COURTS OF MARINE INQUIRY

356. (1) The Governor-General may, by proclamation, establish Courts of Marine Inquiry at such places as he thinks fit.
(2) Courts of Marine Inquiry so established shall be Courts of Record and shall have jurisdiction to hear and determine appeals charges complaints inquiries and references under this Act.
(3) The Governor-General may, by proclamation, revoke the establishment of any Court of Marine Inquiry.

364. (1) A Court of Marine Inquiry shall have jurisdiction to make inquiries as to all casualties affecting ships, or entailing loss of life on or from ships, and as to charges of incompetency or misconduct, or of failure of duty in regard to any collision or in any matter relating to the navigation, management or working of a ship, on the part of masters, mates or engineers of ships, in the following cases, namely:
(a) Where a shipwreck or casualty occurs to a ship on or near the coast of Australia, or in the course of a voyage to a port within Australia;

(d) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Australia, or on board a British ship in the course of a voyage to a port within Australia;

PART X. LEGAL PROCEEDINGS

Jurisdiction

380. (1) Where any district within which any Court has jurisdiction is situate on the sea coast, or abuts on or projects into any navigable water, the Court shall have jurisdiction over any vessel being on or lying or passing off that coast, or being in or near that navigable water, and over all persons thereon or belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the Court.
(2) The jurisdiction in this section shall be in addition to, and not in derogation of, any jurisdiction or power of a Court of summary jurisdiction.
383. (1) Whenever:

(a) Any foreign ship has, in any part of the world, caused injury to any property belonging to either the King, the Commonwealth, or any State, or any of His Majesty's subjects; and

(b) At any time thereafter that ship is found in any port of Australia or within three miles of the coast thereof,

a Justice of the High Court or a Judge of the Supreme Court of a State may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or crew of the ship, issue an order directed to any officer of Customs or other official named in the order, requiring him to detain the ship until such time as the owner, master, or consignee thereof has:

(i) Made satisfaction in respect of the injury, or

(ii) Given security, to be approved by the Judge or Court, to abide the event of any legal proceeding that may be instituted in respect of the injury, and to pay all costs or damages that may be awarded thereon, and the official to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship will depart from Australia, the official may detain the ship for such time as will allow the application to be made and the result thereof to be communicated to him, and he shall not be liable for any costs or damages in respect of the detention unless it is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury, the person giving security shall be made defendant, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the Judge or Court made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

(c) Customs Act, 1901-1954

PART IV. THE IMPORTATION OF GOODS

Division 2. The Boarding of Ships and Aircraft

59. (1) The master of every ship arriving within three nautical miles of the coast shall bring his ship to for boarding on being approached by or hailed or signalled from any vessel in the service of the Customs having hoisted the Customs flag, or from any vessel in the service of His Majesty or of the Commonwealth having hoisted the proper ensign and pendant.

Penalty: One hundred pounds.

(2) The pilot of every aircraft arriving within three nautical miles of the shore shall bring his aircraft to the nearest aerodrome for boarding on

being approached by or signalled from any vessel or aircraft in the service of His Majesty or of the Commonwealth having hoisted the proper ensign or pendant or displayed the proper signal.

Penalty: One hundred pounds.

Division 4. The Entry, Unshipment, Landing, and Examination of Goods

73. The bulk cargo of a ship or aircraft arriving within three nautical miles of the coast shall not be broken except with the permission of the Collector or as regards goods for which entry has been passed.

Penalty: One hundred pounds.

PART XII. OFFICERS

Division 1. Powers of Officers

184. The commander or officer in charge of any ship boat or aircraft in His Majesty's service or in the service of the Commonwealth or Customs, such ship boat or aircraft having hoisted and carrying the proper ensign and pendant or Customs flag, may chase any ship or aircraft which does not bring to or land at the aerodrome when lawfully signalled or required to do so and may (after having fired a gun as a signal) fire at or into such ship or aircraft to compel her to bring to or land at the aerodrome.

185. Any officer may require the master of any ship or the pilot of any aircraft hovering within three nautical miles of the coast or of land to depart, and if such ship or aircraft shall fail to depart accordingly within twelve hours thereafter any officer may board and bring such ship or aircraft into port or aerodrome and search her.

The Collector may examine all persons on board of such ship or aircraft and they shall each thereupon answer questions relating to the ship or aircraft and her cargo, crew, passengers, stores, and voyage and produce documents relating to the ship or aircraft and her cargo.

Penalty: One hundred pounds.

187. Any officer may:

(1) Board any ship boat or aircraft.
(2) Search any ship boat or aircraft.
(3) Secure any goods on any ship boat or aircraft.

192. No fastening, lock, mark, or seal placed by an officer upon any goods or upon any door, hatches, opening, or place for the purpose of securing any stores upon any ship or aircraft which has arrived in any port or aerodrome from parts beyond the seas and which is bound to any other port or aerodrome within the Commonwealth shall be opened, altered, broken, or erased except by authority; and if any ship or aircraft enters any port or aerodrome with any such fastening, lock, mark or seal opened,
altered, broken, or erased contrary to this section, the master or pilot shall be guilty of an offence against this Act.

Penalty: One hundred pounds.

194. The officer in charge for the time being of any vessel or boat employed in the service of the Customs may haul any such vessel or boat upon any part of the coast or the shores banks or beaches of any port bay harbor lake or river and may moor any such vessel or boat thereon and continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary.

195. Any person on board any ship boat or aircraft or who may have landed from or got out of any ship boat or aircraft may be questioned by any officer as to whether he has any dutiable goods or prohibited imports or prohibited exports upon his person or in his possession or in his baggage.

PART XIII. PENAL PROVISIONS

Division 1. Forfeitures

228. The following ships or boats not exceeding two hundred and fifty tons registered tonnage and the following aircraft shall be forfeited to His Majesty:

(1) Any ship boat or aircraft used in smuggling, or knowingly used in the unlawful importation, exportation, or conveyance of any prohibited imports or prohibited exports.

(2) Any ship boat or aircraft found within three nautical miles of the coast or of land failing to bring to, or failing to land at an aerodrome, for boarding upon being lawfully required to do so.

(3) Any ship boat or aircraft hovering within three nautical miles of the coast or of land and not departing within twelve hours after being required to depart by an officer.

(4) Any ship boat or aircraft from which goods are thrown overboard staved or destroyed to prevent seizure by the Customs.

(5) Any ship boat or aircraft found within any port or aerodrome with cargo on board and afterwards found light or in ballast or with the cargo deficient and the master or pilot of which is unable to lawfully account for the difference.

(6) Any ship boat or aircraft within three nautical miles of the coast or land having false bulk heads false bows sides or bottoms or any secret or disguised place adapted for the purpose of concealing goods or having any hole pipe or other device adapted for the purpose of running goods.

The owner of a ship exceeding two hundred and fifty tons registered tonnage which would be forfeited if the ship were less than two hundred and fifty tons registered tonnage shall be liable to a penalty not exceeding One thousand pounds, and the ship may be detained until the penalty is paid or until security is given for its payment.
2. In this Act, unless the contrary intention appears —
   "At sea" means within Australian waters;

3. (1) There shall not be discharged into the sea, from any vessel in Australian waters within any prohibited area, save in accordance with the permission in writing of the Director of Quarantine or of a Chief Quarantine Officer first obtained, any garbage, rubbish, ashes or organic refuse.

4. (1) Any person who, without the permission in writing of the Director first obtained, or otherwise than in accordance with such permission, sends or takes to sea, from any port or place in Australia, any vessel, for the purpose of sinking the vessel at sea, or wilfully sinks any vessel at sea or who enters any port or place in Australia after having wilfully sunk any vessel at sea without such permission, or otherwise than in accordance with such permission, shall be guilty of an offence.
   Penalty: One hundred pounds.
   (2) Any person desiring to obtain permission to sink a vessel at sea may make application, in the prescribed form, to the Director.
   (3) Where an application is made under the last preceding subsection the Director may grant permission for the sinking of the vessel specified in the application in such manner and at such place within a prescribed area as the Director thinks fit.
   (4) Where the Director is satisfied that it is not practicable to effect the sinking of a vessel in a prescribed area he may grant permission for the vessel to be sunk at sea in some other area.
   (5) The Director shall not grant permission for a vessel to be sunk at sea in any area or place in or at which the sinking would in his opinion:
      (a) If within territorial limits—constitute a danger to vessels engaged in trade or commerce with other countries or among the States; or
      (b) If beyond territorial limits—constitute a danger to such vessels or to trawling gear used in fishing.
   (6) Any person who sinks a vessel at sea, whether in pursuance of permission given by the Director or otherwise, shall, within seven days thereof, furnish to the Director a report, in the prescribed form, and containing the prescribed particulars, of the sinking.
   Penalty: Fifty pounds.
   (7) In this section "the Director" means the Director of Navigation and includes the Deputy Director of Navigation for a State.

5. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for prescribing

1 Ibid., 1901-1935, p. 1491 et seq.
areas at sea within which the discharge into the sea from vessels of any garbage, rubbish, ashes, or organic refuse is prohibited and for prescribing areas at sea within which vessels may be sunk.

States of Australia

(a) Navigation Act, 1901-1954 (New South Wales) ¹

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Board" means "The Maritime Services Board of New South Wales constituted under the Maritime Services Act, 1935";

"Superintendent" means the Superintendent of the Department of Navigation appointed under this Act;

"the Jurisdiction" means the navigable waters lying within one nautical league of the coast and the inland navigable waters of New South Wales;

4. Nothing in this Act contained shall apply to any ship belonging to or in the service of His Majesty.

PART II. OFFICERS

Division 4. General provisions

20. The Superintendent and every person deputed by him to act in his behalf, and every inspector and surveyor appointed in pursuance of the provisions of this Act, shall have the following powers, that is to say:

(a) They may at all reasonable times go on board any ship or vessel, of what description soever to which any of the provisions of this Act extend, for the purpose of examining the hull and machinery, and making any report thereon required by the Superintendent;

(b) They may inspect any boats, equipments, or materials on board or belonging to any such ship or vessel to which the provisions of this Act extend;

(c) They may go on board any such ship or vessel and inspect the same for the purpose of inquiring into or reporting upon the nature and causes of any accident or damage which such ship or vessel has sustained or caused, or is alleged to have sustained or caused.

PART III. THE COURT OF MARINE INQUIRY

23. There is hereby conferred upon such District Courts as may be proclaimed by the Governor for the purpose jurisdiction to hear and determine inquiries, appeals, and references under this Act, under and according

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.
to the terms and provisions of the District Courts Act, 1912, and any Act
amending the same (so far as they are applicable), and of this Act; and a
District Court exercising such jurisdiction shall be a court of record, and
be called a Court of Marine Inquiry.

27. (1) A Court of Marine Inquiry is hereby authorised to make
inquiries as to shipwrecks and other casualties affecting ships, or as to
charges of incompetency or misconduct on the part of masters, mates, or
engineers of ships in the following cases, namely:
(a) Where a shipwreck or casualty occurs to a British ship on or near
the coast of New South Wales or in the course of a voyage to a port within
New South Wales;
(b) Where a shipwreck or casualty occurs in any part of the world to a
British ship registered in New South Wales;
(c) Where some of the crew of a British ship which has been wrecked
or to which a casualty has occurred and who are competent witnesses to
the facts are found in New South Wales;
(d) Where the incompetency or misconduct has occurred on board a
British ship on or near the coasts of New South Wales, or on board a British
ship in the course of a voyage to a port within New South Wales;
(e) Where the incompetency or misconduct has occurred on board a
British ship registered in New South Wales;
(f) Where the master, mate, or engineer of a British ship who is charged
with incompetency or misconduct on board that British ship is found in
New South Wales.
(2) The said Court shall have the same jurisdiction over the matter in
question as if it had occurred within its ordinary jurisdiction, but subject
to all provisions, restrictions, and conditions as would have been applicable
if it had so occurred.
(3) An inquiry shall not be held under this section into any matter:
(a) Which has once been the subject of an investigation or inquiry, and
has been reported on by a competent court or tribunal in any part of His
Majesty's dominions; or
(b) With reference to which an investigation or inquiry has been
commenced in the United Kingdom; or
(c) In respect of which the certificate of a master, mate, or engineer
has been cancelled or suspended by a naval court constituted under the
Merchant Shipping Act.

32. (1) A Court of Marine Inquiry shall hear and determine in open
court any appeal or reference in pursuance of this Act in respect of the
detention of a ship alleged to be unsafe; and the procedure of that Court
on the hearing and determining of such appeal or reference shall be as
provided in pursuance of this Act in respect of inquiries as to shipwrecks.
(2) Any Judge or assessor of the Court may survey the ship, and shall,
for the purposes of this Act, have all the powers of an inspector under this Act.

(4) Any Judge or assessor of the Court, and any person appointed by
the presiding Judge of the Court to survey a ship, may go on board the ship
and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle; and any person who wilfully impedes such Judge, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall be liable to a penalty not exceeding ten pounds.

(5) The Court shall have the same power as the Superintendent has to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

PART V. PILOTS AND PILOTAGE

Division 2. Pilotage and other rates

59. (1) There shall be paid upon every ship, not hereinafter in this Act exempted, on her arrival at and on her departure from any port within the jurisdiction where there is a pilot establishment, pilotage rates of such amount per ton as may be prescribed by the regulations.

PART VII. SAFETY AND PREVENTION OF ACCIDENTS

106. (1) Where a foreign ship being in any port in New South Wales is unsafe by reason of overloading, improper loading, or ballasting, or undermanning, the provisions of this Act with respect to the detention of ships shall apply to such ship as if she were a British ship, but with the following modifications:

(a) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained.

(b) Where the ship has been provisionally detained the consular officer on the request of the owner or master of the ship may require that the person authorised to survey the ship shall be accompanied by such person as the consular officer selects; and in such case if the surveyor and such person agree, the Superintendent shall cause the ship to be detained or released accordingly, but if they differ he may act as if the requisition had not been made, and the owner and master shall have the same right of appeal to the Governor as is hereinbefore provided by this Act with respect to the detention of British ships.

(2) In this section the expression “consular officer” means any consul-general, vice-consul, consular agent, or other officer recognized by the Governor as a consular officer of a Foreign State.

PART VIII. NAVIGABLE WATERS

Division 1. Interpretation

133. In this Part of this Act, unless the context or subject-matter otherwise indicates or requires,
"navigable waters" means any port, harbour, haven, roadstead, channel, navigable river or creek or arm of the sea within the Jurisdiction;

"vessel" means any ship, boat, barge, punt, craft, or other vessel of whatever description and however propelled.

Division 2. Powers of Superintendent and Governor

134. The Superintendent shall be the proper authority to act as conservator of all navigable waters within the Jurisdiction.

135. The Governor may take regulations:

(a) Prohibiting the throwing overboard of sick or the carcasses of dead animals from any ship or vessel within such limits in any navigable water as the regulations may prescribe, under a penalty not exceeding twenty pounds;

(b) Prohibiting under a like penalty the throwing any sick or dead animal into, or leaving such animal on, the shore of any navigable waters;

(c) Prohibiting owners, lessees, or occupants of manufactories, chemical works, slaughter-houses, and other establishments from allowing refuse matter to be deposited or flow into navigable waters in the vicinity of any city, town, or municipality, under a penalty not exceeding fifty pounds, and not less than five pounds for every day that such regulation is infringed;

(d) For and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) For and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) For and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels and of persons engaged in the handling or storage of cargo in or upon any wharf;

(g) For and with respect to the use of lights or fire in the holds of vessels;

(h) For and with respect to the safety of persons going on and coming from vessels, and the provision of means of escape from the holds of vessels while cargo is being loaded or unloaded;

(i) For and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels, and such regulations shall be of the same force as if they had been enacted in this Act.

(b) Harbors Act, 1936-1953 (South Australia) ¹

PART III. MANAGEMENT AND CONTROL OF HARBORS

Division I. Preliminary

43. (1) In this Part, and in all proceedings taken and all regulations, rules, and documents made under this Part or Part II. of The Harbors Act, 1913, unless inconsistent with the context or some other meaning is clearly intended—

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.
"board" means The South Australian Harbors Board continued by this Act:

...:

"harbor" includes:
(a) Any port, haven, roadstead, channel, creek, or navigable river being part of the sea or any arm or inlet thereof; and
(b) Any inland river or water or part thereof or other place declared by proclamation to be a harbor for the purposes of this Part, but does not include:
(i) Any inland river or water or any part thereof, unless so declared; nor
(ii) Any place declared by proclamation not to be a harbor for the purposes of this Part:

...:

"harbor works" includes any breakwater, training wall, dock, dockyard, wharf, bridge, viaduct, embankment, or dam, any dredging or reclamation of land from the sea or from any river within a harbor, and any excavation, deepening, dredging, or widening of any channel, basin, or other part of any harbor, and also includes any buildings, railways, or other works used or to be used in connection with any of the before-mentioned works;

"high water mark" means high water mark at ordinary spring tides:

...:

"navigable river" includes any river, creek, or stream in which the tide ebbs and flows, and also any river, creek, or stream capable, whether in its natural state or otherwise, of navigation by such vessels as are ordinarily employed, whether on the river, creek, or stream, or elsewhere, for the purpose of conveying merchandise or other goods;

...:

"tidal water" means any part of the sea, or any arm or inlet thereof, or any river within the ebb and flow of the tide at ordinary spring tides;

...:

"within the limits of the jurisdiction of the board" means within any harbor in the State, or within the distance of one nautical league to seaward from low water mark along any coastline of the State, or within any other territorial water of the State, or within any foreshore under the care, control and management of the board as provided by section 44:

"wreck" includes jetsam, flotsam, lagan, and derelict found in or upon the shores of the sea or of any navigable river, lake, or tidal water.

...:

44. (1) The foreshore of the sea along the coast line of the State shall be under the care, control, and management of the board, except in so far as the foreshore is for the time being under the care, control, and management of the council of any municipality or district council district or has been alienated in fee simple from the Crown, or is subject to any agreement, lease or licence granted by or on behalf of the Crown.
(2) The said foreshore shall, for the purpose of the care, control, and management thereof by the board, be deemed to extend from low water mark to the nearest road or section boundary or to a distance of one and a half chains from high water mark, whichever is the lesser distance, and as so extended, shall be within the limits of the jurisdiction of the board.

45. (1) Subject to section 476 of the Local Government Act, 1934:
   (a) No water or other reserve, or jetty, pier, or wharf, situated within any harbor, or containing or upon or partly upon any part of the foreshore of the sea anywhere within the State;
   (b) No breakwater situated in any harbor or in the sea, or on any foreshore of the sea anywhere within the State; and
   (c) No part of the foreshore of the sea within any harbor, shall be placed or shall continue to be under the care, control, or management of any municipal council or district council, or shall be granted to or vested in, or shall continue to be vested in, any such council.
   (2) All such water and other reserves, jetties, piers, wharves, and breakwaters, and all foreshores within harbors shall, by virtue of this Act, be under the care, control, and management of the board.

Division IV. Powers and Duties of the Board and the Minister

66. (1) The powers, authorities, and jurisdiction of the board shall extend to and be exercisable within all harbors in the State and to the distance of one nautical league to seaward from low-water mark along the coastlines of the State, and within all other territorial waters of the State.
   (2) The board may, at any place within the limits of the jurisdiction of the board or elsewhere within the State, do all such acts and things as may be necessary for the discharge or exercise of any of the duties, powers, authorities, or jurisdictions of the board.

67. The board shall have the exclusive control and management of all harbors in the State, and of navigation therein, and of all such harbor works as are not private property.

Division V. Pilots and Pilotage

90. (1) The master of any such ship when within ten miles of any port to which this Part applies, and intending to enter that port shall (unless he has an exemption certificate as aforesaid), until a qualified pilot comes on board, use or display the usual signal for a pilot.

102. (1) No qualified pilot, except under circumstances of unavoidable necessity, shall, without his consent be taken to sea, or beyond the limits for which he is licensed, in any ship whatever.
   (2) Every pilot so taken, under circumstances of unavoidable necessity or without his consent, shall be entitled, over and above his pilotage, to the sum of two pounds two shillings a day, to be computed from and inclusive of the day on which the ship passes the limit to which he was engaged to pilot her up to and inclusive of the day of his being returned in the said
ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto. In such last mentioned case, he shall be entitled to his reasonable travelling expenses.

104. Any qualified pilot who demands any rate, in respect of pilotage services, greater than the rate for the time being demandable by law, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

(c) Oil in Navigable Waters Act, 1927 (New South Wales) ¹

2. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Harbour" means any harbour whether natural or artificial, and includes any port, dock, estuary or arm of the sea, any river or canal, and any waters in which vessels can obtain shelter or ship or unship goods or passengers.

"Harbour authority" includes any person entrusted with the duty or invested with the power of constructing, improving, managing, regulating, or maintaining any harbour; and, in regard to waters other than a harbour, means the Superintendent of Navigation.

"Oil" means oil of any description and includes spirit produced from oil, oil mixed with water, fuel oil, oil sludge, and oil refuse.

"Vessel" includes any ship or boat or any other description of vessel used in navigation.

(2) This Act applies to the territorial waters of New South Wales, that is the waters within one nautical league of the coast, and also to the waters of any harbour as defined by this Act lying within New South Wales.

3. (1) If any oil is discharged, or allowed to escape, whether directly or indirectly, into any waters to which this Act applies from any vessel or from any place on land or from any apparatus used for the purpose of transferring oil from or to any vessel to or from any other vessel or to or from any place, the owner or master of the vessel, from which the oil is discharged or allowed to escape, the occupier of the land, or the person having charge of the apparatus, as the case may be, shall be guilty of an offence and shall, in respect of each such offence, be liable on summary conviction to a penalty not exceeding one hundred pounds:

Provided that it shall be a good defence to proceedings for an offence under this section to prove:

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¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.
If the proceedings are against the owner or master of a vessel that the escape of the oil was due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident, and also, if the proceedings are in respect of the escape of oil, that all reasonable means were taken by the master to prevent the escape; and

(b) If the proceedings are against any other person and are in respect of an escape of oil, that all reasonable means were taken by that person to prevent the escape.

(2) It shall be lawful for a harbour authority to appoint a place within its jurisdiction at which the ballast water of vessels in which a cargo of oil has been carried may be discharged, and where a place is so appointed any such ballast water may, notwithstanding anything in this section, be discharged at such place, but only at such times and subject to such conditions as the harbour authority may from time to time determine.

Belgique

(a) Arrêté royal du 22 janvier 1929 portant règlement de police de la navigation dans les eaux du littoral belge et de ses ports, modifié par les arrêtés royaux des 10 septembre 1930, 12 janvier 1935 et 16 octobre 1935.

Dispositions générales

Application du règlement

Article 1er. Le présent règlement est applicable, sauf dispositions spéciales arrêtées ou à arrêter par Nous, à tous les bâtiments qui se trouvent dans les eaux du littoral belge et de ses ports.

Interprétation

Article 2. On entend dans le présent règlement par:

a) Eaux du littoral belge: les eaux situées en deçà de la ligne fictive qui s'étend parallèlement le long de la côte belge à 3 milles (5.556 m.) de la laisse de basse mer ou des extrémités des ouvrages d'art destinés à abriter les étendues d'eau intérieures dont il est question sous le b ci-après:

1 Les Codes Larcier, éd. 1953, t. II, Bruxelles, p. 313.

Dans sa note du 27 décembre 1955, la délégation permanente de la Belgique auprès de l'Organisation des Nations Unies a indiqué ce qui suit:

"Le Conseil d'enquête maritime, qui a pour mission de rechercher et de déterminer les causes et circonstances des accidents maritimes intéressant les navires et de prononcer — en vue de la sauvegarde de la sécurité — des peines disciplinaire, n'est pas compétent lorsqu'il s'agit de collisions survenues entre navires étrangers. Toutefois, lorsqu'un abordage a lieu entre un navire étranger et un navire belge, le Conseil est compétent. Il ne peut cependant pas prononcer des peines contre les membres de l'équipage étranger."
b) Eaux des ports du littoral belge: les étendues d'eau intérieures décrites et délimitées à l'annexe du présent règlement;

c) Bâtiment: tout vaisseau, navire, bateau, embarcation, radeau, flotteur, y compris tout hydravion, utilisé pour la navigation sur la mer, sur les rivières ou sur les canaux;

Conditions d'admission dans les ports du littoral

Article 3. 1° Aucun bâtiment n'est admis à pénétrer dans les eaux des ports du littoral belges si ses dimensions ou son tirant d'eau ne lui permettent pas d'effectuer avec toutes les garanties de sécurité, les manoeuvres d'entrée et de sortie des musoirs et le passage des ouvrages d'art;

2° D'une manière générale, l'accès du port de Blankenberghe est réservé aux bâtiments de pêche; cependant, à titre exceptionnel et moyennant des conditions à déterminer, les administrations des ponts et chaussées, de la marine et de la douane peuvent autoriser l'entrée d'autres bâtiments;

Port de feux et emploi des signaux

Article 4. Sous réserve de ce qui est prescrit aux articles 10 et 11, tout bâtiment dans les eaux du littoral belge et de ses ports se conforme, pour ce qui concerne le port de feux et l'emploi de signaux, suivant la catégorie à laquelle il appartient, aux prescriptions des règles 2 à 12, 14, 15, 25, 28 et 31 du règlement ayant pour objet de prévenir les abordages en mer.

Règles de navigation dans les eaux du littoral belge et de ses ports

Article 5. 1° Tout bâtiment dans les eaux du littoral belge se conforme, pour ce qui concerne les règles de navigation, aux prescriptions des règles 16 à 27, 29 et 30 du règlement ayant pour objet de prévenir les abordages en mer;

(b) Loi du 20 septembre 1903 sur les lettres de mer

Article 12. Tous capitaines de navires, sans distinction de nationalité, sont tenus, à l'entrée et à la sortie d'un port du royaume, de présenter leurs lettres de mer aux autorités du port; faute de ce faire, tout document pourra leur être refusé et le navire pourra être retenu jusqu'à ce que les pièces requises aient été produites.

(c) Loi du 18 avril 1885 sanctionnant par des peines les prescriptions de la Convention internationale du 14 mars 1884 relative à la protection des câbles télégraphiques sous-marins

Article 1er. Sont compétents pour rechercher les infractions aux dispositions de la convention du 14 mars 1884, relative à la protection des câbles

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1 Ibid., p. 304.
3 Ibid., p. 125 et suiv.; cette convention ainsi que la déclaration faite par les
sous-marins, outre les officiers de police judiciaire, instituées pour les délits de droit commun, les commissaires maritimes, les employés de la douane, les officiers commandants mentionnés à l'article 10 de cette convention. Toutefois, l'action des officiers commandants étrangers est limitée aux eaux non territoriales, et leurs procès-verbaux ne vaudront en justice que comme renseignements.

**Article 2.** Sera puni d'une amende de 300 à 1.000 francs et d'un emprisonnement de trois mois à cinq ans quiconque, volontairement et hors le cas excepté par l'article 2, § 2, de la convention, aura rompu un câble sous-marin ou lui aura causé une détérioration pouvant avoir pour résultat d'interrompre ou d'entraver, en tout ou en partie, les communications télégraphiques.

Les coupables pourront être condamnés, en outre, à l'interdiction, conformément à l'article 33 du code pénal, _et être placés sous la surveillance spéciale de la police pendant cinq ans au moins et dix ans au plus._

La tentative de ce délit sera punie d'une amende de 150 à 500 francs et d'un emprisonnement d'un mois à trois ans.

**Article 3.** Sera puni d'une amende de 25 à 300 francs et d'un emprisonnement de huit jours à deux mois, ou d'une de ces peines seulement, qui-conque aura, par négligence coupable, rompu un câble sous-marin ou lui aura causé une détérioration pouvant avoir pour résultat d'interrompre ou d'entraver, en tout ou en partie, les communications télégraphiques.

**Article 4.** Sera puni de la manière indiquée en l'article précédent, qui-conque aura fabriqué, vendu, mis en vente, embarqué ou fait embarquer des instruments ou engins servant exclusivement à couper ou à détruire des câbles sous-marins.

Les instruments et engins seront confisqués.

**Article 5.** Sera puni d'une amende de 25 à 300 francs et d'un emprisonnement de huit jours à un mois, ou d'une de ces peines seulement, qui-conque se sera refusé à exhiber les pièces nécessaires pour rédiger les procès-verbaux.

**Article 7.** Sera puni d'une amende de 25 à 300 francs:

Le capitaine d'un bâtiment occupé à la pose ou à la réparation d'un câble sous-marin, qui n'observera pas les règles sur les signaux adoptés en vue de prévenir les abordages;

Le capitaine ou patron de tout bâtiment qui, apercevant ou étant en mesure d'apercevoir ces signaux, aura négligé de se retirer ou de se tenir éloigné d'un mille nautique au moins des bâtiments occupé à la pose ou à la réparation d'un câble sous-marin;

Le patron de tout bateau de pêche qui, dans les mêmes conditions et sous la réserve stipulée en l'article 5 de la convention, aura négligé de tenir à la même distance ses engins ou filets de pêche;

Le capitaine ou patron de tout bâtiment qui, voyant ou étant en mesure de voir les bouées destinées à indiquer la position des câbles (en cas de pose,

de dérangement ou de rupture), ne se tiendra pas éloigné de ces bouées à un quart de mille nautique au moins;

Le patron de tout bateau de pêche qui, dans ces conditions, ne tiendra pas ses engins et filets à la même distance.

Article 8. Les articles 2, 3, 4, 5 et 7 de la présente loi seront applicables, que l’infraction ait été commise dans les eaux territoriales ou dans les eaux non territoriales.

Article 9. Le livre Ier du code pénal, sans exception du chapitre VII, des §§ 2 et 3 de l’article 72, du § 2 de l’article 76 et de l’article 85, sera appliqué aux délits prévus par la présente loi.

* * *

(d) Loi du 7 juin 1832 établissant un rayon unique de douane

Article 1er. Un rayon unique sera substitué au double rayon établi par la loi du 26 août 1822, n° 38.

Le pouvoir exécutif tracera, avant le 25 juin prochain, le cours de ce nouveau rayon de douane, à la distance au plus d’un myriamètre de l’extrême frontière de terre et d’un demi-myriamètre de la côte maritime.

À partir de la côte, il y aura, sur l’espace d’un myriamètre en mer, une surveillance déterminée par les deux articles suivants:

Article 2. Les préposés de la douane pourront visiter les bâtiments en dessous de cinquante tonneaux, étant à l’ancre ou louvoyant dans ladite distance d’un myriamètre de la côte, hors le cas de force majeure, et se faire représenter les connaissances et autres papiers de bord relatifs à leur chargement.

Article 3. Si des bâtiments ou des embarcations du port de trente tonneaux et au-dessous, se trouvant à l’ancre, côtoyant ou louvoyant dans la distance d’un quart de myriamètre de la côte, sont chargés de marchandises prohibées ou d’objets soumis aux droits d’accises en Belgique, ils seront saisis et la confiscation en sera prononcée, ainsi que de la partie de la cargaison qui aura donné lieu à la saisie.

Article 4. Toutes les dispositions de la loi générale précitée qui concernent le territoire mentionné à l’article 177, sont rendues applicables au rayon à tracer en vertu de l’article premier.

Les préposés de la douane pourront, en outre, en cas de poursuite de la fraude, la saisir même en deçà du rayon pourvu qu’ils l’aient suivi sans interruption.

* * *

(e) Loi du 2 juin 1890 relative à la répression des contraventions à la convention internationale du 16 novembre 1887 concernant le trafic des spiritueux dans la mer du Nord

Article 1er. Quiconque, en contravention à l’article 2 de la convention internationale du 16 novembre 1887, concernant le trafic des spiritueux dans la mer du Nord, aura vendu des boissons spiritueuses, ou en aura...
débité en échange d'autres objets, sera puni d'un emprisonnement de huit jours à un mois et d'une amende de 26 à 100 francs, ou d'une de ces peines seulement.

Quiconque, dans les mêmes conditions, aura acheté des boissons spiritueuses ou en aura accepté en échange d'autres objets, sera puni d'un emprisonnement d'un à sept jours et d'une amende de 1 à 25 francs, ou d'une de ces peines seulement.

Si l'échange des boissons spiritueuses a eu lieu contre des produits de la pêche, des objets d'armement ou des engins de pêche, ceux qui l'auront opéré ou accepté seront punis d'un emprisonnement de quinze jours à deux mois et d'une amende de 26 à 200 francs, ou d'une de ces peines seulement.

Article 2. Sera puni d'un emprisonnement de huit à quinze jours et d'une amende de 26 à 50 francs, ou d'une de ces peines seulement, quiconque, en contravention à l'article 3 de la convention, aura, sans permis débité aux pêcheurs des objets autres que des boissons spiritueuses. Serà considéré comme étant en contravention le navire qui, sauf le cas de force majeure, ne sera pas en mesure d'exhiber son permis à tout officier compétent qui l'exigera.

Le permis est toujours révocable.

Sera puni de la même manière:

Ceux qui auront opéré ou accepté un échange d'objets autres que des boissons spiritueuses contre des produits de la pêche, des objets d'armement ou des engins de pêche;

Ceux qui, ayant un permis, auront à bord une quantité de spiritueux supérieure à celle jugée nécessaire pour la consommation de l'équipage.

L'infraction aux prescriptions concernant la marque spéciale à porter par les navires munis du permis ci-dessus, sera punie d'un emprisonnement d'un à sept jours et d'une amende de 1 à 25 francs, ou d'une de ces peines seulement.

Article 3. Quiconque aura résisté aux prescriptions des commandants des bâtiments chargés de la surveillance du trafic des spiritueux, ou de ceux qui agissent d'après leurs ordres, sera condamné à une amende de 50 à 500 francs; la peine d'emprisonnement de huit jours à un an pourra de plus être prononcée, sans préjudice des peines comminées par le Code pénal en cas de rébellion.

Article 4. En cas de récidive, les peines de l'emprisonnement et de l'amende pourront être portées au double.

Il y a récidive lorsque l'auteur d'une infraction prévue par la présente loi a déjà été condamné, dans les deux années précédentes, du chef de la même infraction.

Article 5. Indépendamment des officiers de police judiciaire, les commissaires maritimes et leurs agents, les employés de la douane, les capitaines commissionnés, commandant les navires de l'État, les commandants des bâtiments croiseurs étrangers, ces derniers dans les limites fixées par la Convention, rechercheront et constateront les infractions prévues par la présente loi.

Leurs procès-verbaux feront foi jusqu'à preuve contraire.

Article 6. Le tribunal correctionnel de l'arrondissement et le tribunal de police du canton dans le ressort desquels est situé le port d'attache du
bateau de l’inculpé seront, suivant les cas, respectivement compétents pour 
statuer sur les infractions prévues par les articles qui précèdent.

Article 7. Les dispositions de la présente loi s’appliqueront également, 
dans les eaux territoriales de la Belgique, aux personnes se trouvant à bord 
de tout navire ou bâtiment, quelle qu’en soit la nationalité.

Les agents spécifiés à l’article 5, à l’exclusion des commandants des 
bâtiments croiseurs étrangers seront compétents pour rechercher et constater 
deux infractions commises dans les eaux territoriales.

Ces infractions seront jugées par le tribunal correctionnel de l’arrondisse- 
ment ou par le tribunal de police du canton dans le ressort desquels elles 
auront été commises.

Brazil

REGULATIONS CONCERNING PORT OFFICERS ANNEXED TO DECREE NO. 5796 
of 11 June 1940

CHAPTER III

Jurisdiction Exercised by Port Authorities

Article 16. For the purposes of this regulation, the Port Authorities 
(capitanias) shall have jurisdiction over:

(a) Sea, river and lake waters subject, as provided in the legislation in 
force, to Brazilian control;

(b) Personnel and material, as specified in Articles 161 and 318, con- 
ected with the Brazilian merchant marine; and foreign merchant vessels 
in Brazilian territorial waters.

Article 17. Sea waters subject to Brazilian control shall comprise all 
sea waters touching the shore of the country and situated within the limits 
of the territorial sea, i.e. within a belt three miles wide running parallel 
to the shore.

(1) At places where the coast, including the shore line of islands, turns 
in to form a bay, inlet or the like, the three-mile belt of territorial water 
shall be reckoned from a line extending between two points not more than 
twelve miles apart situated opposite each other at the seaward end of the 
inlet.

(2) When there are no points fulfilling these conditions along the 
coast, the belt shall run parallel to the coast and extend three miles from it.

CHAPTER XVI

Rules to be Observed in Ports and Waterways

Article 112. A vessel shall not anchor at any place where port or water- 
way traffic might be obstructed or damage caused to under water pipes

1 Republica dos estados unidos de Brazil, Colleçao das leis de 1940, Vol. VI, 
alos do poder executive. Decretos leis de Julio a Setembro, Segunda Parte, 
or cables. Any person contravening this provision shall be liable to a fine of 100 cruzeiros and shall be required to repair the damage caused or pay compendation therefor.

Article 129. Rubbish, cinders, oil or other waste matter shall not be thrown into the waters of a port or waterway. Any person contravening this provision shall be liable to a fine of 200 cruzeiros in addition to any penalties provided in other regulations.

Article 130. A vessel carrying stone, coal, bricks or any other non-floating substance shall be liable to a fine of 50 cruzeiros if any such substance falls into the water either while the vessel is in motion or as a result of lack of care in loading or unloading.

Bulgaria

(a) Decree of 10 October 1951 concerning the territorial and inland waters of the People's Republic of Bulgaria

1. The territorial waters of the People's Republic of Bulgaria extend into the open sea to a distance of twelve miles from the water-line on the mainland and island coasts, from the furthest points of port installations and from the boundary of inland waters.

A nautical mile is equal to 1,852 metres.

2. The sea between the coast and a straight line drawn, in the case of Stalin Bay, from Cape Saint Constantine to Cape Ilandzhik and, in the case of Burgas Bay, from Cape Emine to the Cape of Olives (Zeytin Burun) is deemed to be part of the inland waters of the People's Republic of Bulgaria.

3. The belt of territorial waters extending three miles from the territory of the People's Republic constitutes the maritime frontier zone of the People's Republic of Bulgaria.

4. The line of demarcation between the territorial waters of the People's Republic and those of neighbouring States is the geographic parallel extending from the point at which the land frontier meets the coast.

5. The inland and territorial waters of the People's Republic, as well as the air space above them and the sea-bed and subsoil beneath them, are part of the territory of the People's Republic and are subject only to its laws.

6. The People's Republic of Bulgaria exercises sovereignty over the territorial waters referred to in article 5 in accordance with existing laws, the rules of international law and treaties and agreements concluded with other States.

7. The ports of Stalin and Sozopol are declared closed to navigation by foreign ships.

Other ports of the People's Republic of Bulgaria may be declared closed to navigation by foreign ships by order of the Council of Ministers.

1 Text provided by the Ministry of Foreign Affairs of the People's Republic of Bulgaria. Translation by the Secretariat of the United Nations.
8. A foreign ship other than a warship may without restriction pass through or stop or anchor in the territorial and inland waters of the People's Republic, other than the waters of the maritime frontier zone, or enter ports which are not closed to navigation by foreign ships, when it does so on its regular course or when compelled to do so by damage or storm.

Such ships shall be permitted to pass through inland waters solely for the purpose of entering or leaving ports at the places designated by the port authorities.

A foreign ship other than a warship may, if endangered by a severe storm, request permission to enter one of the bays and ports southwest of Cape Kaliakra or Cape Emine, where it may remain only for the duration of the storm.

9. A foreign warship may not pass through or stop or anchor in the territorial and inland waters of the People's Republic or enter ports which are not closed to navigation by foreign ships except with the prior authorization of the Government of the People's Republic of Bulgaria or in the event of damage or when seeking shelter from a storm.

10. No foreign submarine vessel of any kind may navigate, stop, lie on the bottom or anchor while submerged in the territorial or inland waters of the People's Republic.

Any submarine vessel found submerged in the territorial or inland waters of the People's Republic shall be pursued and destroyed without warning, and no liability for the consequences shall be incurred.

The provisions of article 8 shall apply in the case of submarine vessels navigating on the surface.

11. Foreign ships may not engage, while in the territorial or internal waters or ports of the People's Republic, in sounding, research, study, photography, naval exercises, firing or other similar activities, or make use of radio transmitters, radar, echo-sounding or like devices other than those intended for purposes of navigation. Such ships shall comply strictly with established international rules, the laws of the People's Republic of Bulgaria and the regulations made thereunder by the competent Government authorities for the preservation of the social order, security, sanitary requirements and fiscal interests of the People's Republic.

The use of radio transmitters shall be permitted only in the case of damage or to save the lives of shipwrecked persons, and depth-sounding, in the immediate vicinity of the ship, shall be permitted only if the vessel runs aground.

12. Any foreign ship which within the zone of the territorial and inland waters violates the laws of the People's Republic, the rules and regulations made thereunder or established international rules, treaties and agreements relating to navigation, shall be requested by the competent maritime frontier guard unit or by the port authorities, by means of established international signals or a warning shot, to leave the territorial waters of the People's Republic.

13. A foreign warship which does not comply with a signal requesting it to leave the territorial waters of the People's Republic may be fired on and no liability for the consequences shall be incurred.

14. A foreign ship other than a warship which commits a serious offence (such as the illicit import or export of goods, or the concealing of persons
without documents or persons sought by the authorities) or fails to comply with a signal requesting it to leave the territorial waters of the People's Republic may be detained by the competent maritime frontier guard unit with a view to the prosecution of the offenders or the payment of the dues and fines prescribed by law.

A ship which fails to comply with a requirement and attempts to take refuge on the high seas may be pursued with a view to seizure by maritime frontier guard units without interruption to the boundary of the territorial waters of another State.

15. No charge shall be levied upon foreign warships which are authorized to pass through the territorial waters or to enter the ports of the People's Republic, except for specific services rendered.

(b) Decree of 4 April 1952 Concerning the Administration of Ports and Coasts

CHAPTER I. SCOPE AND FUNCTIONS

1. The purpose of this Decree is to ensure order in the ports and on the coasts and the safety of navigation.

2. The functions prescribed under this Decree shall be carried out by the organs of the port administrations. The latter shall co-ordinate their activity with the State undertakings which are assigned functions in ports and on the coasts.

3. The port administrations shall exercise authority over seaports and coasts and the ports and shores of the Danube, adjacent coastal lakes and ponds, island coasts and the territorial waters of the Republic.

4. The boundaries of the sea-coast and the shores of the Danube shall be established by the Council of Ministers in regulations to give effect to this Decree.

CHAPTER II. ORGANIZATION

5. Ports shall be under the authority of the Ministry of Transport, which shall issue orders establishing their class, administrative level and organizational structure. Each port shall be under the direction of a harbour-master.

CHAPTER III. RULES TO BE OBSERVED IN PORTS AND ON THE COASTS

6. Port administrations shall carry out administrative and economic functions such as the loading and unloading of cargo, the registration of ships, the investigation of accidents, the supervision of ships, and other like functions.

7. All establishments and undertakings operating in ports shall observe the established rules therein. All persons in ports and on the coasts shall comply with the regulations issued by the port administrations in connexion with the application of this Decree.

8. Ships other than warships may enter ports with the permission of the port administrations.

1 Text received from the Ministry of Foreign Affairs of the People's Republic of Bulgaria. Translation by the Secretariat of the United Nations.
9. Ships which are unfit for navigation or are not equipped with the signal lights, flags and other equipment prescribed by laws and regulations to ensure the safety of navigation shall not be admitted to Bulgarian ports. If a ship lying in a port basin is found to be unfit for navigation under the established rules the harbour-master shall have the right to order the ship to be removed from the port within a specified period of time. On the expiry of the specified period the port administration shall remove the ship to a place where it will not interfere with navigation. The port administration shall incur no liability for the consequences of such removal.

12. The master of a ship lying in a port shall be responsible for the conduct of the members of his crew and shall ensure that they do not commit a breach of the established rules in the port.

The members of a ship's crew may go ashore only with the permission of the competent authorities.

Masters may not engage crew for their ships at Bulgarian ports without the permission of the port authority.

The master of a ship may not give asylum on board his ship to any person who is sought by the Bulgarian authorities.

13. A harbour-master may detain a ship other than a warship in the event of:

(a) Any violation of the legal provisions relating to the proper loading of ships or any irregularity in the ship's papers;

(b) Failure to pay sums payable in respect of port and customs dues, taxes, fines, fees for services rendered, and the like, for which a claim has been presented by a State or public undertaking or organization.

The detention shall continue until the grounds therefor have been removed.

14. A harbour-master may also detain a ship or cargo on an application made in writing by a person for recovery of sums due in respect of damage, collision or assistance rendered, until the necessary security is furnished by the shipowner or the consignee of the cargo. A detained vessel shall be released after seventy-two hours unless detention is ordered by a court before the expiry of that period.

Liability for such detention shall rest with the person on whose application the detention is effected.

Note. The provisions of articles 13 and 14 shall not apply to ships belonging to Bulgarian State enterprises and undertakings or, subject to reciprocity, to ships belonging to foreign States.

15. A ship which has not completed its voyage may not be detained under the provisions of article 14 or by order of a court on the basis of a claim which is not related to the voyage in question, other than a claim concerning the ownership of the ship.

16. Port fees at the duly approved rates shall be levied on ships other than warships flying the Bulgarian or a foreign flag which call at Bulgarian ports and on all cargoes which pass through such ports.
CHAPTER V. SHIPPING CASUALTIES AND SALVAGE

26. The organs of the port administration shall hold an investigation into all accidents and casualties involving Bulgarian ships. The investigation shall be held as soon as possible either on the spot or on the ship's arrival at the first Bulgarian port, according to circumstances. Where an investigation is held into a casualty involving property insured by the State Insurance Institute, the port administration shall notify the said Institute, which shall have the right to take part in the investigation through its representatives.

27. The organs of the port administration shall hold an investigation into casualties and accidents involving foreign ships in Bulgarian territorial waters in the following cases:
   (a) The collision of ships;
   (b) The collision of a ship with a shore or floating installation;
   (c) Standing on a shoal or running aground;
   (d) Fire or explosion on board a ship; or
   (e) Any accident resulting in the loss of the ship, personal injury or loss of life.

28. The organs of the port administrations shall hold an investigation into casualties or accidents involving foreign ships in other cases also on application being made in writing by the consul of the country concerned, the ship-owner, or the manager or master of the ship.

CHAPTER VIII. DEFINITIONS

36. For the purposes of this Decree, "ship" means any floating vessel engaged in transport, fishing, hydrographic work, salvage, dredging, sport or other activity, irrespective of its burthen, the material from which it is built and the method of propulsion.

37. For the purposes of this Decree, "port" means any place on the Bulgarian coast protected from the wind and waves by a natural shelter or artificial works in which ships may anchor or berth and in which a port authority has been established in accordance with the laws of the country.

41. For the purposes of this Decree, "roadstead" means a stretch of water on the coast near the entrance to a port where ships can safely anchor.

(c) REGULATIONS OF 20 SEPTEMBER 1955 REGARDING PILOT SERVICE IN BULGARIAN BLACK SEA PORTS

I. ORGANIZATION

1. The piloting of ships through the approaches to and in the precincts of the commercial seaports of the People's Republic of Bulgaria shall be carried out exclusively by State maritime pilots. The zones in which the piloting of ships by State pilots is compulsory and those in which such piloting is not compulsory shall be determined by

1 Text provided by the Ministry of Foreign Affairs of the People's Republic of Bulgaria. Translation by the Secretariat of the United Nations.
II. DUTIES OF STATE MARITIME PILOTS

9. A pilot may board a ship before it has received free pratique.

10. When piloting a ship a pilot shall ensure that the provisions of the Decree concerning territorial waters are observed.

IV. PRINCIPLES GOVERNING THE PILOTING OF SHIPS

32. Any ship which arrives without a pilot and wishes to enter any Bulgarian Black Sea port shall stop in the outer harbour or roadstead and hoist the appropriate flag to its masthead or display the prescribed signal.

(d) RULES OF 4 MAY 1953 FOR THE SANITARY PROTECTION OF THE FRONTIERS OF THE PEOPLE'S REPUBLIC OF BULGARIA

PART IV

Sanitary control of ships arriving at ports of the People's Republic of Bulgaria from foreign ports or places

1. On approaching a port of call, the master of a ship shall where possible report to the harbour-master on the state of health of the passengers and crew on board, any cases of communicable diseases or deaths which have occurred during the voyage, on any unusual mortality of rats observed, and on sanitary conditions in the last port of call or in the port of departure. The harbour-master shall immediately transmit the information received to the director of the quarantine clearance station or to the frontier guard unit in order that any necessary sanitary measures may be taken in due time.

Where it is possible to report the above-mentioned information, the master of the ship shall do so, as a rule, six hours before the estimated time of arrival of the ship in port.

2. Every ship arriving at a Bulgarian port from foreign ports or places shall stop, by agreement with the customs authorities, at a point indicated to it by the port authority and shall hoist at its foremast the yellow flag "Q". If the ship has a case of any of the communicable diseases referred to in Part I on board (plague, cholera, yellow fever, smallpox or typhus), the yellow and black flag "L" of the International Code of Signals shall be hoisted.

3. A ship arriving from foreign ports or places shall continue to fly the yellow or the yellow and black flag until the quarantine clearance authorities give it free pratique.

1 Text provided by the Ministry of Foreign Affairs of the People's Republic of Bulgaria. Translation by the Secretariat of the United Nations.
Note: By night the flag shall be replaced by a single red light at the foremast.

4. Before the sanitary inspection of the ship, no one except the pilot and, if necessary, the chief immigration officer shall be permitted to board or leave the ship; no representatives of the local authorities shall be permitted to board the ship until the medical officer carrying out the inspection gives his permission; and access by private individuals shall be prohibited until the yellow or the yellow and black flag is lowered.

5. Until a ship arriving from foreign ports or places has been given free pratique, no authority (port, customs, etc.) may give it any instructions concerning the disembarkation of passengers or the unloading of cargo, cattle, etc.

6. Where a ship arriving from foreign ports or places stops, on account of damage or for any other navigational reason, at a point on the coast of the People's Republic of Bulgaria where there is no sanitary service (quarantine clearance station) the local authorities, in particular the representative of the Ministry of the Interior, shall institute strict measures of surveillance in order to ensure that the crew and passengers are prevented from holding intercourse with the shore. The ship's arrival shall immediately be reported to the sanitary authorities, the customs office and the representatives of the Ministry of the Interior at the nearest port and, in remote areas, to the local sanitary authorities and the representatives of the Ministry of the Interior at the nearest inhabited locality.

7. Before the representative of the quarantine clearance station arrives and the sanitary inspection is carried out, the crew and passengers of ships referred to in paragraph 3 shall not be permitted to disembark, except where the ship is in danger. In such cases, the nearest local health authority, the customs service, the transport sanitation authorities, the frontier guards or the representatives of the Ministry of the Interior shall be notified immediately of the disembarkation or removal of personnel, in order that the necessary sanitary measures may be taken.

PART XII

Payment for Medical and Sanitary Measures

1. A quarantine clearance station shall not be permitted to levy any charge on the passengers or crew of a ship in respect of medical assistance provided in pursuance of these rules, their maintenance during quarantine in a medical-sanitary establishment in suspected cases of one of the communicable diseases specified in Part I of these rules, or the cost of other sanitary measures applied in respect of the passengers or crew under these rules.

2. The cost of bringing patients ashore shall be payable by the shipowners.

3. The sums paid in respect of medical assistance and sanitary services other than those referred to in paragraph 1 of this Part shall not exceed the actual cost thereof.
Canada

(a) CANADA SHIPPING ACT, 1934 1

INTERPRETATION

2. In this Act,

14 "coast of Canada" means the sea coast of Canada and the salt water bays, gulfs and harbours on the sea coast of Canada;

15 "Collision Regulations" means the International Regulations for preventing collision at sea and the Rules of the Road for navigating the Great Lakes including Georgian Bay, their connecting and tributary waters and the St. Lawrence River as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal;

55 "minor waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay), Superior and Winnipeg and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;

57 "minor waters voyage" means a voyage within the following limits, namely, the minor waters of Canada together with such part of any lake or river forming part of any such water as lies within the United States of America;

PART VII. SAFETY

Steamship Inspection Service

385. (1) A steamship inspector, in the exercise of his duties, may go on board any ship at all reasonable times and inspect the same, or any of the machinery or equipment thereof, or any certificate of a master, mate or engineer, and if he considers such ship unsafe, or, if a passenger ship, unfit to carry passengers, or the machinery or equipment defective in any way so as to expose persons on board to serious danger, he shall detain that ship; a steamship inspector may also detain any ship in respect of which any of the provisions of this Act have not been complied with, if, in his opinion, such detention is warranted in the circumstances.

PART VIII. WRECKS, SALVAGE AND INVESTIGATIONS INTO SHIPPING CASUALTIES

Powers of Receivers

500. (1) When any British or foreign vessel is wrecked, stranded or in distress at any place within Canada or on or near the coasts of Canada, the receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take the command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck and of the lives of shipwrecked persons.

(2) If any person so directed by the receiver of wrecks fails without reasonable cause to comply with such directions he is liable to a fine not exceeding two hundred dollars. 1934, c. 44, s. 493.

Passage over Adjoining Lands

505. (1) Whenever any vessel is wrecked, stranded or in distress within the territorial waters of or on or near the coasts of Canada, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any shipwrecked persons, may, unless there is some public road equally convenient, pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved.

(2) If the owner or occupier of any property fails to comply with the provisions of this section or hinders, prevents or obstructs the execution thereof, he is liable to a fine not exceeding four hundred dollars. 1934, c. 44, s. 498.

Wreck

510. (1) Whenever any person takes possession of wreck within the limits of Canada, he shall, as soon as possible, deliver the same to the receiver, but the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit.

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside the territorial limits of Canada and brought within the territorial limits of Canada.

(3) If any person who has so taken possession of wreck without reasonable cause fails to comply with the provisions of this section he is liable to a fine not exceeding four hundred dollars, and, in addition, a fine in double the value of the wreck, and he forfeits any claim or right to claim salvage with relation to such wreck. 1934, c. 44, s. 503.

Salvage

527. When, within the territorial waters of or on or near the coasts of Canada, any vessel is wrecked, abandoned, stranded or in distress, and
services are rendered by any person in assisting such vessel or in saving any
twreck, there shall be payable to the salvor by the owner of such vessel or
twreck, as the case may be, a reasonable amount of salvage including ex-
penses properly incurred. 1934, c. 44, s. 520.

Shipping Casualties and Accidents on Ships

551. A shipping casualty shall be deemed to occur:
(a) When any ship is lost, abandoned, stranded or damaged in any of
the inland waters of Canada or on or near the coasts of Canada, or on a
voyage to or from a port in Canada;
(b) When any ship causes loss or damage to any other ship in, on or
near such inland waters or coasts;
(c) When, by reason of any casualty happening to or on board any ship
in, on or near such inland waters or coast, loss of life ensues;
(d) When any such loss, abandonment, stranding, damage or casualty
happens elsewhere, and any competent witness thereof arrives or is found
at any place in Canada;
(e) When any loss of life occurs by reason of any casualty happening to
or on board any boat belonging to a fishing vessel or other vessel registered
or licensed in Canada; and
(f) When any ship is lost or supposed to have been lost, and any evi-
dence is obtainable in Canada as to the circumstances under which she
proceeded to sea or was last heard of. 1934, c. 44, s. 544.

553. (1) Whenever a shipping casualty happens, anywhere in the case
of a Canadian ship, or within the limits of or on or near the coasts of Canada
in the case of any other British ship, the master, or, if the master is dead, the
chief surviving officer, and also every such other person belonging to the
ship as the Minister, from time to time, directs, shall within twenty-four
hours of his first landing in Canada, after the happening of such casualty,
attend and submit himself for examination
(a) At the office of the chief officer of Customs residing at or near the
place where such casualty occurred, if the same occurred on or near the
coasts of Canada, or any island or place adjacent thereto, or
(b) If the casualty occurred elsewhere, at the office of the chief officer of
Customs residing at or near the place of such landing,
unless he has been previously examined or excused from attending for
examination by any other chief officer of Customs residing at or near either
of such places, or by any receiver of wreck in any part of Her Majesty's
dominions outside of Canada.
(2) If any such person by this section required or by the Minister
directed to attend and submit himself for examination without reasonable
cause fails to do so, precisely as so required or directed, he is liable to a fine
not exceeding two hundred dollars. 1934, c. 44, s. 546; 1950, c. 26, s. 2.

554. (1) Where any ship, British or foreign, is or has been in distress
on the coasts of Canada a receiver of wreck, or at the request of the Minister,
a wreck commissioner or deputy approved by the Minister, or, in the absence
of the persons aforesaid, a justice of the peace, shall, as soon as conveniently
may be, examine on oath (and they are hereby respectively empowered to
administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters:

(a) The name and description of the ship;
(b) The name of the master and of the owners;
(c) The name of the owners of the cargo;
(d) The ports from and to which the ship was bound;
(e) The occasion of the distress of the ship;
(f) The services rendered; and
(g) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing, and shall send a copy thereof to the Minister.

(3) The person holding the examination has, for the purposes thereof, all the powers of a steamship inspector under this Act.

(4) If any such person belonging to the ship or such other person as aforesaid on being examined as aforesaid refuses to answer any question pertinent under this section that is put to him on his examination pursuant to this section he is liable, in addition to any other liability, to a fine not exceeding two hundred dollars. 1934, c. 44, s. 547.

555. (1) The Minister may appoint a chief officer of Customs or any officer of the Government of Canada, or any other person to make preliminary inquiries respecting such shipping casualties, and may define the territorial jurisdiction of any such officer or person, and the persons so appointed shall make a preliminary inquiry respecting a shipping casualty wherever so directed by the Minister.

(2) Where, upon a preliminary inquiry, the officer holding it is of opinion that any loss, or damage, or the stranding of any ship, or any loss of life has been caused by the wrongful act or default or by the incapacity of the pilot in charge, or that such pilot has been guilty of any gross act of misconduct or drunkenness, the licence of such pilot may be suspended by such officer until a formal investigation under this Part has been held and a further decision rendered upon the case; but the term shall not exceed a period of three days, unless the Minister notifies such pilot within that time that a formal investigation will be held. 1934, c. 44, s. 548.

556. Every such officer or person may, for the purpose of holding such preliminary inquiry,

(a) Go on board any vessel or wreck, and inspect it or any part thereof, or any of the machinery, boats, equipments, lading, or articles on board thereof, the boarding or inspection of which appears to him to be requisite for the purpose of his inquiry, not unnecessarily detaining any such vessel from proceeding on any voyage;
(b) Enter and inspect any premises, the entry and inspection of which appear to him requisite for the purpose of the inquiry;
(c) Require by summons under his hand the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and require answers or returns to any inquiries he thinks fit to make;
(d) Require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(e) Administer oaths, or, in lieu of requiring and administering an oath, require every person examined by him to make and subscribe a solemn affirmation or declaration of the truth of the statement made by him in his examination. 1934, c. 44, s. 549.

PART XI. PORT WARDENS

617. (1) The Governor in Council may make regulations prescribing the manner in which grain cargoes and deck cargoes may be carried on any Canadian ship, or on any ship not registered in Canada which shall be within any port in Canada.

(2) When any ship arrives at any harbour in Canada with a grain cargo or deck cargo, any port warden or Customs officer may proceed on board and, when practicable, examine into the manner in which the cargo was stowed; and every person, in charge of such ship at the time of the examination, shall render such officer the assistance he asks to enable him to make the examination.

(3) Such regulations may provide for fines, their recovery, enforcement and disposition, including enforcement by imprisonment for non-payment, but no fine shall exceed for any one offence one thousand dollars nor shall any imprisonment for non-payment of any one fine exceed a term of three months. 1934, c. 44, s. 609; 1950, c. 26, s. 2.

Duties and Powers of Port Wardens

619. The port warden shall, at the request of any person interested, proceed in person on board any ship for the purpose of examining the condition and stowage of her cargo; and, if there are any goods damaged on board of such ship, he shall inquire, examine and ascertain the cause of such damage, and make a memorandum thereof, and enter the same in full on the books of his office. 1934, c. 44, s. 611.

PART XII. NAVIGATION—COLLISIONS—LIMITATION OF LIABILITY

Rules, Regulations and Orders

645. (1) The Governor in Council may make rules or regulations for the prevention of collisions at sea and on the inland waters of Canada or any part thereof (which regulations shall for the purposes of this Act be deemed Collision Regulations) and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used and the steering and sailing rules to be observed by ships.

(2) The Collision Regulations and Rules as to Signals of Distress set out as Schedule I to the Order of His Majesty in Council dated 13th October
1910, continue to apply to waters within Canadian jurisdiction as here-
tofore unless and until superseded by other Collision Regulations and Rules
as to distress signals respectively.

(3) The Governor in Council may make rules or regulations relating to
the safety of life or limb on navigable waters during regattas and marine
parades.

(4) The Governor in Council may by order or regulation provide for the
government and regulation of any part or parts of the minor waters of
Canada defined or described therein and may provide for the enforcement
of such order or regulation.

(5) Any rule, regulation or order so made may provide for a fine not
exceeding five hundred dollars for contravention of or non-compliance with
any provision thereof, and, in case any such provision is made, it has effect
as if in and by this Act enacted. 1934, c. 44, s. 637.

646. No local rule or by-law, inconsistent with the Collision Regu-
lations, is of any force or effect; but, so far as not inconsistent therewith, any
local rule or by-law is of full force within the locality to which it applies.
1934, c. 44, s. 638.

647. (1) All owners and masters of vessels and rafts shall obey the
Collision Regulations as modified by any local rule pursuant to section 646,
and shall not carry or exhibit any other lights, or use any other fog signals,
than such as are required by the Collision Regulations as so modified.

(2) Every person who fails, without reasonable cause, to comply with
the provisions of this section is liable for each offence to a fine not exceeding
two hundred dollars.

(3) Where any damage to person or property arises from the non-
observance by any vessel or raft of any of the Collision Regulations, the
damage shall be deemed to have been occasioned by the wilful default of
the person in charge of that raft, or of the deck of that vessel at the time,
unless it is shown to the satisfaction of the court that the circumstances of
the case made a departure from the regulation necessary.

(4) The Collision Regulations, together with the provisions of this Part
relating thereto, or otherwise relating to collisions, shall be observed by all
foreign ships within Canadian jurisdiction, and in any case arising in a
Canadian court concerning matters arising within Canadian jurisdiction,
foreign ships shall so far as respects the Collision Regulations and the said
provisions of this Act, be treated as if they were Canadian ships. 1934,
c. 44, s. 639; 1950, c. 26, s. 2.

PART XV. LEGAL PROCEEDINGS

Damage Occasioned by Foreign Ships

693. (1) Whenever any injury has in any part of the world been caused
to any property belonging to Her Majesty or to any of Her Majesty's
subjects by any foreign ship, and at any time thereafter that ship is found
in any port or place in Canada or within three miles of the coast thereof, a
judge or district judge of the Admiralty Court may, upon its being shown
to him by any person applying summarily that the injury was probably
caused by the misconduct or want of skill of the master or mariners of the
ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge or court, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceeding. 1934, c. 44, s. 685.

Detention of Ship and Distress on Ship

697. (1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval, army or air service of Her Majesty or of the naval, army or air forces of Canada or any officer of Customs may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offense, are liable for each offence to a fine not exceeding five hundred dollars.

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any officer of Customs, the owner and master of the ship are each liable to pay all expenses of and incidental to the officer being so taken to sea, and also to a fine not exceeding five hundred dollars, or, if the offence is not prosecuted in a summary manner, not exceeding fifty dollars for every day until the officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

(3) Where under this Act a ship is to be detained an officer of Customs shall, and where under this Act a ship may be detained an officer of Customs may, refuse to clear that ship outwards.

(4) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of Customs, the “proper officer” means the officer able to grant a clearance or transite to such ship. 1934, c. 44, s. 689.
PART XVI. SUPPLEMENTAL

Stevedores and Trimmers

710. (1) Where it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in any place in Canada or within three miles of the coast thereof, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying in accordance with rules of court that prima facie the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship.

(2) An order under this Part shall be directed to a marshal of the court or to some officer of Customs, or some other officer named in the order, and shall require him to detain the ship until such time as satisfaction has been made by the owners, agent, master, or consignee thereof in respect of the claim, or until security to be approved by the judge, has been given by them or him, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the claim, and to pay all costs and damages that may be awarded thereon, and where any such order is made, the officer to whom the order is directed shall detain the ship accordingly.

(3) In any legal proceedings in relation to any such claim as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship in respect of which the work giving rise to the claim was done, and the production of the order of the judge, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceedings.

(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship shall, if the Minister so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister.

(5) The provisions of section 693 shall apply to the detention of a ship under this Part as they apply to the detention of a ship under Part XV.

(6) Where the owner of a ship is a corporation, the owner shall, for the purposes of this section, be deemed to reside in the province where the application is made if the corporation has an office in that province at which service of writs can be effected.

(7) Where a ship has been demised to charterers, the provisions of this section apply to claims against the charterers of the ship as they apply to claims against the owners of a ship, with the substitution of charterers for owners, but no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship was demised to them.

(8) Nothing in this section affects the power of any person to enforce any claim to which this Part applies otherwise than in accordance with the provisions of this Part and any person having a claim to which this Part applies may, if he so desires, instead of proceeding under the foregoing
provisions of this Part institute proceedings in Admiralty for enforcing the claim in accordance with the ordinary rules of practice of the Admiralty Court, and such court, if proceedings are so instituted, has the same jurisdiction for the purpose of enforcing the claim as if the claim were a claim for necessaries supplied to the ship. 1934, c. 44, s. 702.

(b) Customs Act 1

2. (1) In this Act, or in any other law relating to the Customs,

(a) “Canadian Customs waters” means the waters forming that part of the sea that is adjacent to and extends nine marine miles beyond Canadian waters;

(b) “Canadian waters” means all territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice; subject, however, to the following specific provisions:

(i) Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule;

(ii) The extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada;

(iii) The Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted; and

(iv) The plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of sub-paragraph (iii);

REPORT AND ENTRY INWARDS

7. (1) Unless the Minister, as he may, in respect of any particular vessel or class or classes of vessel otherwise dispenses, for a time or generally, the master of any vessel arriving in or found within Canadian waters or of any vessel registered in Canada or of any unregistered vessel owned by a person resident or domiciled in Canada or of any other vessel or class of vessels that has been specified or enumerated by proclamation of the Governor in Council under subsection (1) of section 139 arriving in and found within Canadian Customs waters shall, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained; such manifest shall contain;

(a) The names of the ports and description of the places at which the goods comprising the cargo of the said vessel were taken on board, and the

1 Ibid., Chapter 58, with amendment assented to 28 June 1955, Canada, 3-4 Elizabeth II, Chapter 32.
ports of entry of Canada for which the same are destined, particularly
describing the goods destined for each such port;
(b) The name, description, and build of the vessel, the tonnage and
port of registry of the vessel, the domicile of the owners thereof and the
name of the master;
(c) A detailed account of all goods on board such vessel, with the marks
and numbers of each package and parcel, and the number and description
of the packages and parcels according to their usual name or denomination,
such as barrel, keg, hogshead, case or bag;
(d) The names of the persons to whom such packages or parcels are
respectively consigned in accordance with the bills of lading issued therefor,
except that when such goods are consigned to order the manifest shall so
state; and
(e) An account of what surplus stores remain on board.
(2) This section does not apply to any vessel employed in the transport
of duty-paid intoxicating liquor from one port or place to another port or
place within the limits of Canada. 1936, c. 30, s. 3.

POWERS AND DUTIES OF OFFICERS

139. (1) The provisions of this section extend to vessels hovering in
Canadian waters, and in the case of any vessel registered in Canada, or of
any unregistered vessel owned by a person resident or domiciled in Canada,
or of any other vessels or class of vessels which the Governor in Council may
specify or enumerate by proclamation shall also extend to vessels hovering
in Canadian Customs waters.
(2) Any vessel that has, in Canadian waters or, subject to the provisions
of subsection (1), in Canadian Customs waters,
(a) Hovered;
(b) Unladen any dutiable or prohibited goods, or transhipped the same
to some other vessel without the authorization of an officer;
(c) Navigated without lights, in breach of any law or regulation to
which such vessel was subject; or
(d) Failed to come to a stop in compliance with the provisions of sub-
section (4),
shall be presumed to be a hovering vessel and to have hovered, but such
presumption may, save in cases provided for by paragraph (d), be rebutted
by evidence establishing that the vessel was engaged in a legitimate occu-
pation not connected, directly or indirectly, with the smuggling into Canada
of dutiable or prohibited goods, or the breach of any laws or regulations in
force in Canada.
(3) If any hovering vessel is found or observed in Canadian waters or,
subject to the provisions of subsection (1), in Canadian Customs waters,
young officer may go on board such vessel and examine her cargo and may
also examine upon oath the master or person in command or any other
person on board, touching the vessel, cargo and voyage, and may bring the
vessel into port; and any such master or person who refuses to comply
with the lawful directions of such officer or does not truly answer such
questions as are put to him touching such vessel, cargo or voyage, shall be
deemed to have violated a provision of this Act.
(4) Any vessel in Canadian waters or, subject to the provisions of subsection (1) in Canadian Customs waters, shall proceed to come to a stop when required so to do in the Queen's name by any officer or upon signal made by any vessel in the service of the Government of Canada hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

(5) On any such vessel failing to proceed to come to a stop when required, the captain or master or other person in charge of any vessel in the service of the Government of Canada may, after first causing a gun to be fired as a signal, fire at or into such vessel.

(6) Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing, and Her Majesty is not liable in any claim for damage to life or property by reason of such act.

(7) No person on board any vessel required to proceed to come to a stop, as herein provided, shall throw overboard, stave, or destroy any part of the cargo or any papers or documents relating to the vessel or cargo; any such action renders the vessel and cargo subject to forfeiture.

(8) The evidence of such captain, master or other person that the vessel was within Canadian waters or Canadian Customs waters is prima facie evidence of the fact.

(9) Any officer may at any time go on board any vessel at any place in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, and examine the manifest and inspect, search and examine the vessel and every part thereof, and any person, trunk, package or cargo on board.

(10) Any vessel that is a hovering vessel within the meaning of subsection (2) may be seized and forfeited, together with all stores and cargo that were upon such vessel at the time of the hovering, but the following goods shall be released, without liability resulting directly or indirectly from such seizure or forfeiture, upon the furnishing of proof satisfactory to the Minister that they are:

(a) Goods, respecting which there has not been any violation of any of the provisions of this Act, that are in the hands of a person in Canada who acquired the same for value and in good faith;

(b) Effects of an innocent passenger; or

(c) Goods respecting which there has not been any violation of any of the provisions of this Act and in respect to which neither the consignor, nor the consignee, nor the owner, nor any of their agents, had any knowledge or grounds for suspicion that the goods were destined to be smuggled into Canada or into any other country.

(11) The master or person in command and crew of any vessel that is a hovering vessel within the meaning of subsection (2) and all other persons on board at the time of the hovering and all owners or persons beneficially interested in the vessel or cargo shall be deemed to have violated a provision of this Act unless they prove that they had no knowledge or grounds for suspicion that the goods on board were destined to be smuggled into Canada or any other country.

(12) The powers conferred by subsection (3) on an officer, may be exercised, and the provisions of subsections (4) to (11) inclusive are applicable to a hovering vessel, either at the place where the vessel is found or
observed to be hovering, or elsewhere after pursuit, either within or without Canadian waters or Canadian Customs water as the case may be, or in a Canadian port when such vessel subsequently enters a Canadian port. 1936, c. 30, s. 4.

SCHEDULE

NORTH ATLANTIC FISHERIES AWARD


The Hague September 7, 1910

The North Atlantic Coast Fisheries

Question V

From where must be measured the “three marine miles of any of the coasts, bays, creeks, or harbours” referred to in the said article?

* * *

For these reasons the tribunal decides and awards:

In case of bays, the three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the three marine miles are to be measured following the sinuosities of the coast.

But considering the Tribunal cannot overlook that this answer to Question V, although correct in principle, and the only one possible in view of the want of a sufficient basis for a more concrete answer is not entirely satisfactory as to its practical applicability, and that it leaves room for doubts and differences in practice; therefore the Tribunal considers it its duty to render the decision more practicable, and to remove the danger of future differences by adjoining to it a recommendation in virtue of the responsibilities imposed by Article IV of the Special Agreement.

Considering, moreover, that in treaties with France, with the North German Confederation and the German Empire, and likewise in the North Sea Convention, Great Britain has adopted for similar cases the rule that only bays of ten miles width should be considered as those wherein the fishing is reserved to nationals: And that in the course of the negotiations between Great Britain and the United States a similar rule has been on various occasions proposed and adopted by Great Britain in instructions to the naval officers stationed on these coasts: And that though these circumstances are not sufficient to constitute this a principle of international law; it seems reasonable to propose this rule with certain exceptions, all the more that this rule, with such exceptions, has already formed the basis of an agreement between the two Powers.

Now, therefore, this Tribunal, in pursuance of the provisions of Article IV, hereby recommends for the consideration and acceptance of the High Contracting Parties the following rules and methods of procedure for determining the limits of the bays hereinbefore enumerated:
1. In every bay not hereinafter specifically provided for the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

2. In the following bays, where the configuration of the coast and the local climatic conditions are such that foreign fishermen, when within the geographic headlands, might reasonably and bona fide believe themselves on the high seas, the limits of exclusion shall be drawn in each case between the headlands hereinafter specified as being those at and within which such fishermen might be reasonably expected to recognize the bay under average conditions.

   For the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Maquereau Point Light; for the bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabusintac Gully; for Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the province of Nova Scotia, the line from the light at Point Anconi to the nearest point on the opposite shore of the mainland.

   For Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to Fortune Head.

   For or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely:

   For or near Barrington Bay in Nova Scotia, the line from the light on Stoddart Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge; for Mira Bay, the line from the light on the east point of Scatari Island to the northeasterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Marasheen Island to the mainland.

   Long Island and Bryer Island on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

   It is understood that nothing in these rules refers either to the Bay of Fundy considered as a whole apart from its bays and creeks or as to the innocent passage through the Gut of Canso, which were excluded by the agreement made by exchange of notes between Mr. Bacon and Mr. Bryce, dated February 21st, 1909, and March 4th, 1909; or to Conception Bay, which was provided for by the decision of the Privy Council in the case of the Direct United States Cable Company v. the Anglo-American Telegraph Company, in which decision the United States have acquiesced.

1936, c. 30, Sch.

(c) FOREIGN ENLISTMENT ACT, 1937

INTERPRETATION

2. In this Act,

   (a) "armed forces" includes army, naval and air forces or services, combatant or non-combatant, but does not include surgical, medical;

1 Ibid., Chapter 124.
nursing and other services engaged solely in humanitarian work and which are under the control or supervision of the Canadian Red Cross or other recognized Canadian humanitarian society;

(b) "conveyance" includes ships, vessels, aircraft, trains, and motor and other vehicles;

(c) "equips" in relation to a ship, includes the furnishing of anything that is used for the purpose of fitting or adapting the ship for the sea, or for naval service, and all words relating to equipment shall be construed accordingly;

(d) "foreign state" includes any foreign prince, colony, province or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people;

(e) "illegally enlisted person" means a person who has accepted or agreed to accept any commission or engagement, or who is about to quit Canada with intent to accept any commission or engagement, or who has been induced to go on board a conveyance under a misapprehension or false representation of the service in which such person is to be engaged with the intention or in order that such person may accept or agree to accept any commission or engagement contrary to the provisions of this Act;

(f) "within Canada" includes Canadian waters as defined for the purposes of the Customs Act. 1937, c. 32, s. 2.

3. Any person who, being a Canadian national, within or without Canada, voluntarily accepts or agrees to accept any commission or engagement in the armed forces of any foreign state at war with any friendly foreign state, or, whether a Canadian national or not, within Canada, induces any other person to accept or agree to accept any commission or engagement in any such armed forces, is guilty of an offence under this Act. 1937, c. 32, s. 3.

4. Any person who, being a Canadian national, quits or goes on board any conveyance with a view of quitting Canada with intent to accept any commission or engagement in the armed forces of any foreign state at war with any friendly foreign state, or, whether a Canadian national or not, within Canada, induces any other person to quit or go on board any conveyance with a view of quitting Canada, with a like intent, is guilty of an offence under this Act. 1937, c. 32, s. 4.

6. (1) A person who, having the control or direction of, or being the owner of any conveyance, knowingly either takes on board or engages to take on board or has on board such conveyance, within Canada, any illegally enlisted person, is guilty of an offence under this Act.

(2) Such conveyance shall be detained until the trial or conviction of such person or owner and until all fines or penalties imposed on such person or owner have been paid or security approved by the Court having jurisdiction in the matter has been given for the payment thereof. 1937, c. 32, s. 6.

12. Where any ship, goods, or merchandise, captured as prize of war within Canada in violation of Canadian neutrality, or captured by any
ship that may have been built, equipped, commissioned or despatched, or
the force of which may have been augmented, contrary to the provisions
of this Act, are brought within Canada by the captor, or by any agent of
the captor, or by any person having come into possession thereof with a
knowledge that the same was prize of war so captured as aforesaid, it shall
be lawful for the original owner of such prize or his agent, or for any person
authorized in that behalf by the government of the foreign state to which
such owner belongs, or in which the ship captured as aforesaid may have
been duly registered, to make application to the Exchequer Court of Canada
for seizure and detention of such prize, and the Court shall, on due proof
of the facts, order such prize to be restored. 1937, c. 32, s. 12.

13. Every order referred to in section 12 shall be executed and carried
into effect in the same manner, and subject to the same right of appeal,
as in case of any order made in the exercise of the ordinary jurisdiction of
such Court; and in the meantime, and until a final order has been made,
on such application the Court has power to make all such provisional and
other orders as to the care or custody of such captured ship, goods, or
merchandise, and (if the same be of perishable nature, or incurring risk of
deterioration) for the sale thereof, and with respect to the deposit or invest-
ment of the proceeds of any such sale, as may be made by such Court in the
exercise of its ordinary jurisdiction. 1937, c. 32, s. 13.

16. For the purpose of giving jurisdiction in criminal proceedings
under this Act, every offence shall be deemed to have been committed,
every cause or complaint to have arisen either in the place in which the
same was committed or arose, or in any place in which the offender or
person complained against may be. 1937, c. 32, s. 16.

17. Subject to the provisions of this Act, criminal proceedings arising
hereunder shall be subject to and governed by the Criminal Code. 1937,
c. 32, s. 17.

18. All proceedings for forfeiture of conveyances, goods or merchandise,
under the provisions of this Act, may be taken in the Exchequer Court of
Canada, or in any court of competent jurisdiction 1937, c. 32, s. 18.

19. The Governor in Council may, from time to time, by order or
regulation, provide for any or all of the following matters:

(a) The application of the provisions of this Act, with necessary modifi-
cations, to any case in which there is a state of armed conflict, civil or
otherwise, either within a foreign country or between foreign countries;

(b) The seizure, detention and disposition of conveyances, goods and
merchandise;

(c) The requirement of the consent of an authority or authorities to
prosecutions, seizures, detentions and forfeiture proceedings;

(d) The designation of officers or authorities who may execute any of
the provisions of this Act; and

(e) The issue, restriction, cancellation and impounding of passports,
whether within Canada or elsewhere, to the extent to which such action is
deemed by him to be necessary or expedient for carrying out the general
purposes of this Act. 1937, c. 32, s. 19.
(a) Merchant Shipping Act No. 7 of 1953

Note. This Act has not yet entered into force.

(b) Masters Attendant Ordinance of 20 October 1865, as amended up to 1955

Preliminary

3. The Governor may, from time to time, frame and establish such port rules, not inconsistent with this Ordinance, as he may think necessary for any of the following purposes, namely:

(j) For fixing from time to time the charges to be made for boat hire which may be demanded by boats licensed to convey goods and passengers in the said ports; the rates and charges of pilotage on vessels into and out of any of the said ports, from or to a distance of one league out at sea; or for removing or re-mooring any vessel; and the rates to be paid for the use of Government moorings, whenever the same shall be available, and the charges for work connected with mooring of the said vessels;

Masters Attendant

7. The Master Attendant may, whenever he shall suspect that any offence has been or is about to be committed in any vessel contrary to this Ordinance, or whenever it is necessary for him so to do in the discharge of any duty imposed upon him by this Ordinance, go on board any vessel within the limits of any port. If the master or other person in charge of such vessel shall, without lawful excuse, refuse to allow any Master Attendant or any of his deputies or assistants to enter such vessel for the performance of any duty imposed upon him by this Ordinance, he shall for every such offence be liable to a fine not exceeding two hundred rupees.

27. Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of His Majesty, or to any vessel of war belonging to any foreign prince or state, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.

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2 Legislative Enactments of Ceylon, Vol. VI, Revised 1938, p. 129. Text provided by the Ministry for External Affairs of Ceylon.
3 By Act No. 27 of 1955.
(c) **Great Basses Lighthouse Ordinance of 17 December 1869**

2. The lighthouse about to be erected on the Great Basses Rocks, near the south-east coast of this Island, is erected with the consent of the said Governor and Council, and any dues which may hereafter be fixed by Her Majesty, by Order in Council, in respect of the said lighthouse, ought to be and may be levied in this Island, in manner provided by the said Act, on all ships arriving or touching at any port or place therein, after or before passing the lighthouse, or deriving the benefit therefrom.

(d) **Minicoy Lighthouse and Lighthouse Dues Ordinance of 14 October 1882**, as amended up to 1951

And whereas Her Majesty has signified through her Principal Secretary of State for the Colonies that the dues to be levied by Her Order in Council in Ceylon on each vessel will be as follows, namely:

- In respect of the lighthouse of the Island of Minicoy at cents (2 1/2) two and a half per ton;
- In respect of the lighthouse on the Great Basses Rocks and the lighthouse on the Little Basses Rocks at cents (7 1/2) seven and a half per ton.

It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

3. The opinion of the Legislature is hereby signified that the dues so to be fixed by Her Majesty by Order in Council under the authority of section 2 of the said recited Act in respect of the said lighthouse on the Island of Minicoy, and in respect of the lighthouse on the Great Basses Rocks and of the lighthouse on the Little Basses Rocks, ought to be and may be levied in this Island on all ships (other than ships belonging to the Government of Ceylon) arriving or touching at any port or place therein, before or after passing any such lighthouse, or deriving benefit therefrom.

(e) **Bahamas and Leeward Islands Light Dues Ordinance of 22 December 1934**

2. The opinion of the legislature is hereby signified that on all ships, other than ships belonging to His Majesty or to the Government of Ceylon, which before arriving or touching at any port or place in this Island have passed and derived benefit from any of the lighthouses or the buoy enumerated in the First Schedule, there shall be levied the light dues fixed by

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3 By the Minicoy Lighthouse and Lighthouse Dues (Amendment) Act, No. 29 of 1951. Text of this Act provided by the Ministry for Foreign Affairs of Ceylon.
His Majesty by Order in Council dated the seventeenth day of December, nineteen hundred and thirty-one, and set out in the Second Schedule, or such other charges as may hereafter be fixed in like manner, and that the dues shall be levied in accordance with the provisions of any Order of His Majesty in Council for the time being in force in that behalf.

(f) Pilots Ordinance of 20 October 1899

3. The Governor may, from time to time, by Proclamation declare the ports which are to be brought within the operation of this Ordinance, and define the limits of such ports respectively.

6. No pilot shall be in anywise bound to conduct any vessel to sea, neither shall any vessel proceed to sea, until the full amount of the outward pilotage of such vessel and the charges due on account of such vessel to the Master Attendant's department shall be first paid or secured to be paid to the satisfaction of such pilot and Master Attendant.

7. Every pilot in charge of any vessel in, or entering, or proceeding from any port, who shall remain on board any such vessel for a period exceeding forty-eight hours, either on account of stress of weather or under quarantine, shall be entitled to demand and receive over and above the amount of pilotage charged under port rules made or to be made under the authority of section 3 of the Masters Attendant Ordinance the sum of five rupees for each and every day he shall so remain on board any vessel.

13. Nothing in this Ordinance contained shall extend to any vessel belonging to or in the service of His Majesty, or to any vessel of war belonging to any foreign prince or state, nor affect any law relative to the customs, nor any order or direction which shall have been lawfully made or given in pursuance of the provisions of any such law.

(g) Customs Ordinance of 1 January 1870, as amended up to 1952

PART VII

Regulations Outwards

65. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in

1 Ibid., p. 146. Text provided by the Ministry for External Affairs of Ceylon.
2 For the text of this Ordinance as amended up to 1938, see ibid., vol. IV, p. 491. The texts of the amendments to this Ordinance have been provided by the Ministry for External Affairs of Ceylon.
this Island or within two leagues of the coast thereof, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited; and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding two hundred rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board.

PART XI
General Regulations

116. It shall be lawful for the officers of customs to go on board any ship in any port or place in this Island, or hovering within one league of the coast thereof, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and freely to stay on board such ship so long as she shall remain in such port or place or within such distance; and if any such ship shall be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officers of customs to bring such ship into port, and to search and examine her cargo, and to examine the master touching the cargo and voyage; and if there be any goods on board prohibited to be imported into this Island, and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit a sum not exceeding one thousand rupees.

PART XII
Smuggling, Seizures, and Prosecutions Generally

135. It shall be lawful for any officer of customs to go on board any ship which shall be within the limits of any port in this Island, and search any person on board, and it shall be lawful for him to search any person who shall have landed from any ship, or any person passing or having passed through the custom house, provided such officer shall have good reason to suppose that such person shall have any uncustomed or prohibited goods secreted about his person; and if any person shall obstruct any such officer in the performance of any such duty, every such person shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding one thousand rupees.

138A. (1) If any ship or boat which is liable to seizure or examination under this Ordinance, or which officers of customs are empowered by this Ordinance to board, shall not bring to when required so to do—

(a) The master of such ship or boat shall forfeit the sum of two hundred rupees; and

1 This article has been added by the Customs (Amendment) Act No. 9 of 1949.
It shall be lawful for the officer of customs having the charge or command of any vessel flying the Ceylon Customs Flag, having first caused a gun to be fired as a signal, to fire at or into such ship or boat; and such officer of customs or any other person acting in his aid or assistance or by his direction shall be and is hereby indemnified and discharged from any action or prosecution, whether civil or criminal, in respect of any act done in pursuance of the powers conferred by this section:

Provided, however, that the powers conferred on any officer of customs by the preceding provisions of this section shall not be exercised except in relation to a ship or boat which is for the time being within the territorial waters of Ceylon.

140. In any information or other proceeding for any offence against this Ordinance or averment that such offence was committed within the limits of any port or of the territorial waters of Ceylon shall be sufficient, without proof of such limits, unless the contrary be proved.

(h) LIQUOR (ON BOARD HIS MAJESTY'S SHIPS) REGULATIONS ORDINANCE OF 4 DECEMBER 1886  

It shall not be lawful for any person to take any spirituous or fermented liquor of any description on board any of His Majesty's ships or vessels in any part of the sea adjacent to the coast of this Island and within the territorial sovereignty of His Majesty, without the previous consent of the officer commanding the ship or vessel on board of which the same may be taken; and it shall be lawful for any officer in His Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached, any of His Majesty's ships or vessels; and if any spirituous or fermented liquor be found on board such boat or vessel, to seize such spirituous or fermented liquor, and the same shall be forfeited to His Majesty and His successors; and if any person shall take any spirituous or fermented liquor on board any of His Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of His Majesty's ships or vessels for the purpose of taking any spirituous or fermented liquor on board the same, without such previous consent, or for the purpose of giving or selling without such previous consent, spirituous or fermented liquor to men in His Majesty's service, every such person shall, upon a summary conviction thereof before a Magistrate, pay a fine not exceeding one hundred rupees for every such act or offence; and it shall be lawful for any officer in His Majesty's service, or any such warrant or petty officer or non-commissioned officer as aforesaid, or for any police officer, with or without any warrant or other process, to apprehend or cause to be apprehended any such offender or person so acting and to bring him or cause him to be brought before any Magistrate, for the purpose of having the offender summarily convicted of the same.

1 This article has been amended by the Customs (Amendment) Act No.29 of 1952.

2 Legislative Enactments of Ceylon, vol. VI, Revised 1938, p. 62. Text provided by the Minister for External Affairs of Ceylon.
Article 41. No Chilean vessel may sail for a foreign port unless previously certified as seaworthy.

This provision shall also apply to foreign vessels, in any case in which there is doubt of their seaworthiness, subject to the consent of the consul concerned, if any, who shall be given due notice of the fact.

Article 42. Sailing vessels engaged in the coastal service, whether Chilean or foreign, shall be inspected annually for the purpose of determining their seaworthiness and steam vessels every six months.

The craft referred to in article 27 of this Act shall be exempted from this provision.

Article 45. No vessel may sail from any port of the Republic until the clearance certificate, signed by the port authority, the crew list, the contract of employment issued by the office concerned, and, where appropriate, a certificate to the effect that the vessel has been inspected, have been produced to the maritime authorities.

Failure to comply with the provisions of this article shall be punishable by a fine of 200 to 500 pesos.

Article 46. Maritime health officers shall not issue health certificates unless the master of the Chilean or foreign vessel concerned produces the crew list, duly stamped by the national maritime authority or the consular agent concerned.

Article 47. Even where the above requirements have been satisfied, the maritime authority, after advising and obtaining the concurrence of the administrative authority, shall withhold the papers of any vessel which is badly loaded or which is thought, for good reason, likely to become a loss.

In the event of disagreement, the final decision shall lie with the inspection board. The foregoing provision shall not apply to foreign vessels calling at Chilean ports or sailing direct to foreign ports.

If, on account of obvious improper loading or overloading, a vessel is wrecked or suffers any major disaster, the maritime authority responsible for allowing it to sail shall be held liable.

A master putting to sea against the order of the maritime authority shall be punishable by a sentence of rigorous imprisonment and barred henceforth from serving in any capacity in the Chilean marine.

Article 48. The maritime authority shall issue to all vessels satisfying the requirements of this title, a sailing permit, which shall be noted on the clearance certificate.

TITLE IX. TRANSPORT OF MAIL

Article 108. The masters of Chilean and foreign vessels shall be required to deliver to the maritime authority, against a receipt, and at the time of the first entry, all correspondence and printed matter carried on board whether received in the course of coastal traffic or from abroad, consigned to points in the Republic. Only correspondence addressed to the charterer of the vessel itself, to a weight not exceeding 155 grammes, shall be exempted from the foregoing provision.

All members of the crew and the passengers are subject to the same requirement.

A person who contravenes the foregoing provisions shall be liable to a fine of four times the postage due on the mail concerned or to a fine of twenty-five pesos, if the amount of the postage is less than that sum.

Officers of the maritime authority shall not admit vessels to ports until the correspondence carried on board has been handed over.

TITLE X. TRANSPORT OF PASSENGERS

Article 110. Sailing or steam vessels, whether Chilean or foreign, used for the transport of passengers between Chilean ports, shall not take on more passengers than may be accommodated with comfort in the cabin space available on board; and the maritime authorities, after advising and obtaining the concurrence of the port authorities, may prohibit the sailing of any such vessel which has embarked more passengers than are permitted under the regulations concerning space, safety, seaworthiness, comfort and other conditions.

Article 111. No merchant vessel, whether Chilean or foreign, may carry passengers on deck, whether to ports in Chile or abroad, unless there is arranged above the deck, at an appropriate height, an awning of wood or waterproof material to provide cover or shelter from inclement weather.

In the absence of any special agreement, the passengers shall receive the same rations as are received by members of the crew of ships of the Chilean Navy.

Article 112. Any Chilean vessel which carries passengers shall take on, in addition to the provisions for the crew, such water and food supplies as are considered necessary for the voyage, in view of the number and category of the passengers.

This provision shall also apply to foreign vessels carrying passengers between Chilean ports.

Article 114. Any Chilean or foreign vessel intended for the transport of passengers between Chilean ports shall carry on board, in good condition, a number of smaller boats, in the proportion of one boat to every forty persons who may be conveniently carried by the vessel, including both passengers and crew.

In no case shall the number of boats carried be less than two, and no vessel shall be required to carry more than ten. Where there are more than five boats, one shall be equipped as a lifeboat.
Each vessel shall also carry on board a fire-extinguisher and the necessary life-saving equipment.

Article 116. In any case in which the maritime authority considers it desirable, it may inspect any vessel engaged in the transport of passengers between Chilean ports, and the master of the vessel shall provide all facilities for such inspection, furnishing all the information which may be required of him regarding food supplies, water, condition of the boats, comfort of the passengers, etc.

Article 117. Whatever may be the nature of the voyage and the number of passengers aboard, the health authorities shall require the maritime authorities to prohibit the sailing of any vessel having on board persons suffering from contagious diseases.

(b) Customs Ordinance of 22 July 1953

Preliminary Title

4. Zones of Jurisdiction

Article 22. The jurisdiction of each custom-house shall include two zones: a primary zone and a secondary zone.

The primary zone shall be the sea or land area in which maritime and land operations relating to the movement of goods are carried out and which is declared, for these purposes, to be a customs district, and every loading, unloading or admission of goods shall take place in the said district if it is to be regarded, subject to the satisfaction of the other prescribed conditions and formalities, as a lawful act of import, export, transit, transshipment, cabotage or customs operation of any other nature.

The secondary zone shall be that part of the territory and territorial waters which is assigned to the particular custom-house in the division of the territory into customs districts made by the General Customs Board for the purposes of the competence and obligations of each custom-house.

The General Customs Board, with the approval of the President of the Republic, may, in the secondary zones, establish frontier perimeters under special surveillance in which the presence and movement of goods shall be subject to the prohibitions and restrictions to be laid down for that purpose.

Persons who violate the said prohibitions and restrictions shall be held liable for a customs offence.

No customs authority or officer may intervene in the secondary maritime zone without the prior approval and consent of the maritime authority.

Article 26. It is hereby laid down, without prejudice to the powers of the maritime authority, that any vessel or other conveyance, its crew, passengers and cargo, shall, so long as the vessel or conveyance is present in the primary zone of jurisdiction, be subject to the authority of the custom-

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house; the custom-house in question, shall, however, be answerable solely for the goods which it has inspected and definitively admitted.

The provisions of the preceding paragraph shall also apply to goods which are to be put aboard ship; such goods shall likewise be subject to the authority of the said custom-house until they are released from that custom-house with its proper authorization.

Article 31. The loading and unloading of ships' stores for warships, aircraft and troop transports belonging to foreign powers shall take place in accordance with the regulations to be made by the General Customs Board, with the approval of the President of the Republic, after prior consultation with the Ministry of National Defence.

BOOK II. ENTRY AND EXIT OF GOODS THROUGH CUSTOMS

Title I. Arrival at port and admission of vessels, trains and other conveyances

1. Arrival and admission of vessels and other conveyances

Article 87. All trains, beasts of burden, or conveyances which enter Chile from abroad, and all vessels of any kind and origin which stop at a port must, on arrival, be inspected by the director of the custom-house concerned, or by an officer designated by him for the purposes of the lawful admission of the train, conveyance or vessel in question; a refusal to submit to inspection shall be punishable as provided in this Ordinance.

Article 88. The maritime authority shall not grant a vessel "free pratique", even if the vessel has been admitted by the said authority and by the health authority, so long as the vessel has not also been admitted by the custom-house, after fulfilment of the obligations laid down for that purpose in the succeeding articles of this Title.

With the exception of the persons empowered by law or especially authorized by the director of the custom-house, no other person may board the vessel or disembark, so long as leave to land passengers and cargo has not been in conformity with this Ordinance.

In any case in which it should be necessary, the custom-house shall request the maritime authority to suspend the "free pratique".

Article 89. The director of the custom-house may order the closing and sealing of any compartments, holds or offices of a vessel that are thought to contain foreign merchandise, whether declared in the manifest or not, which might be sold to the public in port or landed clandestinely.

China

(a) PORT REGULATIONS, PROMULGATED BY THE NATIONAL GOVERNMENT ON 27 JUNE 1933, ENTERED INTO FORCE ON 1 JULY 1946

Article 1. For the purposes of the present regulations, "ports" shall mean those harbours within Chinese territory to which foreign merchant vessels are admitted.

Such ports shall be specifically designated by order of the National Government.

Article 4.

A vessel entering a port may request the maritime authorities of the port for the assignment of a pilot if such services are needed.

Article 6. If obstacles to navigation such as newly-formed sand banks or hidden rocks have been encountered in the fairway, the captain of the vessel shall report the fact to the maritime authorities of the port immediately upon entry.

Article 7. The maritime authorities of a port shall regularly station special personnel at the entrance of the breakwater of the port so as to facilitate the assignment of berths to all vessels entering the port.

Article 17. A vessel may not load or unload cargoes or permit embarkation or disembarkation of passengers or crew except in the area designated by the maritime authorities of the port.

Article 18. Within the boundaries of a port, a vessel may not discharge firearms or fireworks or use explosives without the permission of the maritime authorities.

Article 19. Within the boundaries of a port, a vessel may not sound sirens or whistles except in compliance with the regulations for the prevention of collisions at sea or for purposes of warning or in other cases of necessity.

Article 20. A vessel may not discharge cinders, ashes, waste oil or other refuse within the boundaries of a port.

Article 21. Upon finding wreckage or flotsam within the boundaries of a port, the maritime authorities may order the owner of the vessel or the possessor of the object to remove such wreckage or flotsam within a specified time-limit. In case of non-compliance, the maritime authorities shall remove the wreckage or flotsam and charge the costs to the owner or possessor.

Article 22. When a fire breaks out in a vessel within the boundaries of a port, the vessel shall, in addition to sounding the fire alarm, hoist the fire signal flag, if in day time, and blue signal lights or blinking signal lights, if at night, until such time as help arrived.

Article 23. A vessel carrying explosives other than those included in regular equipment or other dangerous goods of an inflammable nature shall be anchored outside the port zone upon arrival and shall hoist signal flags in daytime and red signal lights atop the foremast at night.

Such a vessel may not enter the port zone without the special designation of a berth by the maritime authorities of the port and may not load or unload dangerous cargoes without authorization.

Article 24. If epidemic or contagious diseases are discovered aboard a vessel, or if a vessel comes from a contaminated port, the vessel concerned
shall hoist signal flags in daytime and signal lights consisting of one red and one white light atop the foremast at night. Upon arrival, such a vessel shall be anchored outside the port zone to await inspection by public health officials.

Persons from such a vessel shall not disembark or communicate with other vessels without the authorization of public health officials. The signals mentioned in the preceding paragraph may not be removed without permission.

A vessel which carries livestock or other animals suffering from infectious diseases or originating from contaminated localities may not unload such animals or their carcasses or transfer them to another vessel without authorization by public health officials.

**Article 25.** The maritime authorities of a port may designate special mooring areas for quarantined vessels and may examine the quarantine reports of such vessels.

**Article 26.** A vessel departing from a port shall hoist the departure signal flag and shall apply for a permit from the maritime authorities of the port. Scheduled liners and vessels with fixed departure dates may dispense with the application for a departure permit.

**Article 28.**

The vessel concerned shall not leave the port before payment of the fine or the posting of surety.

(b) **Provisional Rules governing the entry and exit of merchant vessels and civil aircraft of States having no diplomatic relations with the Republic of China, approved by the Executive Yuan on 15 December 1950**

**Article 1.** These Rules shall apply to merchant vessels and civil aircraft of States having no diplomatic relations with the Republic of China (hereinafter referred to as “these merchant vessels” and “these aircraft”, respectively), on their entering and leaving the Chinese territorial sea and territorial air.

**Article 2.** These merchant vessels or aircraft shall be required to have special permits if they want to enter Chinese ports and Chinese territorial waters open to overseas trade and shipping, or to land on Chinese airports open to international civil aviation; the application for such permit shall be made by the companies or agents concerned to the proper authorities at the place where the entry or landing is to take place. Such special permits shall be valid for a period of six months, three months, or one month or for one entry only. With the exception of those valid for one entry, the permits shall take effect on the day of issuance, and renewal may be requested upon expiration.

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During the period of validity of the special permit, the vessel or aircraft in question may, subject to the conditions specified therein, make any number of entries into and departures from Chinese territory.

The proper authorities referred to in the first paragraph of this article shall be, in the case of merchant vessels, the navigation and shipping authorities of the particular locality; and, in the case of aircraft, the Civil Aeronautics Administration of the Ministry of Communications, or any other government offices designated by them. All cases dealt with by these offices shall be duly reported to the Ministry of Foreign Affairs, the Ministry of Finance and the Ministry of Communications.

Article 3. All persons aboard these merchant vessels or aircraft shall, while present in Chinese territory, be required to observe Chinese laws and orders and to obey instructions given by the proper authorities. Any person who fails to comply with this provision shall be subject to prosecution in accordance with law.

Article 4. Any matters not specifically provided for in these rules shall be governed by other rules and regulations relating to the same subject.

Article 5. Regulations for the implementation of these rules shall be made separately by the Ministry of Communications.

Article 6. These rules shall come into force on the date of approval by the Executive Yuan.

(c) Regulations for the implementation of the Provisional Rules governing the entry and exit of merchant vessels of States having no diplomatic relations with the Republic of China, amended and approved by the Executive Yuan on 24 July 1952, and promulgated by the Ministry of Communications on 31 July 1952

Article 1. These Regulations are made pursuant to article 5 of the "Provisional Rules Governing the Entry and Exit of Merchant Vessels and Civil Aircraft of States Having No Diplomatic Relations with China".

Article 2. Merchant vessels of States having no diplomatic relations with China (hereinafter referred to as "these merchant vessels") may apply to the competent navigation and shipping authorities, in the manner presented in these regulations, for "special permits provisionally issued to merchant vessels of countries having no diplomatic relations with China" (hereinafter referred to as "special permits") through the responsible officials of their companies or their agents, for the purpose of entering and leaving Chinese ports and territorial waters open to overseas trade and shipping.

(d) Customs Preventive Law of 19 June 1934

The following is the authorised English version of the Customs Preventive Law, which was promulgated on 19th June 1934:

Article 9. Any vessel engaged in international trade entering any port of China not open to such trade shall be confiscated, and the master thereof

shall be liable to a fine not exceeding $2,000, but not less than $500. Should, however, the entry of a vessel at an unauthorised place be due to reasons of distress or other unavoidable circumstances, which are duly notified by the master of the vessel to the local authorities at the place of entry, the penalties herein prescribed may be waived.

**Article 10.** Should any vessel, within the limit of 12 marine miles from the coast of China, refuse to heave to when called upon to do so by a Customs preventive vessel through the firing of a rifle or gun as signal, such vessel may be fired upon by the Customs vessel.

The master of a vessel refusing to heave to under the above circumstances shall be fined a sum not exceeding $2,000, and the vessel shall be liable to confiscation.

**Article 11.** Should any vessel, within or pursued from within the limit of 12 marine miles from the coast of China, be found to have any part of her cargo, or any of her documents relating to the vessel or cargo, either destroyed or thrown overboard in order to prevent seizure, the offender shall be fined a sum not exceeding $2,000, and the vessel shall be liable to confiscation.

**Article 12.** Should the master of any vessel bound for China from a foreign port allow any merchandise or ship's stores to be discharged within the limit of 12 marine miles from the coast of China before arrival at the proper place of discharge and before receipt of a Permit to Discharge, he shall be fined a sum not less than the value and not exceeding twice the value of the goods or stores thus discharged, and the merchandise or stores concerned and/or the vessel shall be liable to confiscation.

The aforesaid penalties shall be likewise applicable to any vessel unauthorisedly used for transhipping, placing, or receiving on board such merchandise or stores, or for assisting in the loading and discharge thereof.

**Note.** Paragraph 6 of Chapter XXXII of the Chinese Code of Customs Regulations and Procedure (Second Edition, Shanghai, 1935, p. 282) provides:

"For the protection of the revenue the Chinese Government claims the right of exercising preventive measures at sea within a limit of 12 marine miles measured at low-water mark from China's coast-line, which includes dependent islands and banks. Should a vessel, or some one on board her, while within this 12-mile limit commit an infraction of China's revenue laws—such as refusing to heave to, after due warning, for Customs search—such vessel may be pursued into the open seas and there arrested."

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**Colombia**

**Customs Law No. 79 of 19 June 1931**

**Article 91.** A vessel arriving at a Colombian port shall be boarded by the sanitary authorities and proper customs officials at any time after

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entering Colombian territorial waters, and immediately on entering the customs zone unless it does so after the hours established by law for the entry of ships. The regulations may, however, with the approval of the Department of Public Health, allow vessels having a medical officer on board to be brought alongside a pier if there is one at the port. When so required by the regulations, the boarding party shall be accompanied by the immigration authorities and a representative of the postal service, to whom shall be delivered all mail for the port carried by the vessel. The shipping company's agent or his representative may likewise accompany the boarding party.

Article 192. If a vessel is wrecked in territorial waters or an aircraft is wrecked in the territory of the Republic, the Director of the Customs District in which the accident has occurred shall render all possible assistance in saving the crew, passengers and cargo and shall take possession of any cargo salvaged and prepare an inventory thereof in proper form.

Article 195. If the owner of any vessel or aircraft wrecked in the territory of the Republic or its territorial waters wishes to export or re-export salvaged cargo, he may do so by leave of the Director of Customs given in conformity with the regulations.

Article 363. Customs or coastguard officials and persons thereunto authorized by the Director-General of Customs or for this purpose appointed in writing by any customs administrator, may, at any time, board any vessel, vehicle or aircraft present in the territory of the Republic or in its territorial waters up to a distance of twenty kilometres from the coast, whether inside or outside the districts of the said officials, for the purpose of examining the manifest and carrying out a careful search and inspection of the vessel, vehicle or aircraft, and each and every part thereof, as well as of the persons, baggage or packages on board. For this purpose they may order the vessel, vehicle or aircraft to be stopped, if it is in motion, and may use such force as may be necessary to secure compliance with the order. If it should appear that the laws of the Republic have been violated in some way which renders the vessel, vehicle or aircraft or all or part of the goods on board liable to confiscation, it shall be the duty of the said officials to carry out such confiscation and to arrest, or, in case of flight or attempted flight, to pursue and arrest, any person liable for the violation.

Article 367. If, in the case of a vessel or aircraft coming from a foreign port or place, the master of the vessel or person in command of the aircraft permits goods to be unloaded from his vessel or aircraft after it has reached a point twenty kilometres from the Colombian coast and before he has received permission, in conformity with law, to unload such goods, or if the master of a vessel or person in command of an aircraft takes on board, without being thereunto authorized, goods subject to export duties, then such master or person in command shall be liable to a fine amounting to twice the value of the goods, though not less than 1,000 pesos ($1,000) in
any case, the goods being liable to confiscation. Nevertheless, if part of
the cargo of a vessel or aircraft is unloaded, jettisoned or transhipped as the
result of an accident, storm or other fortuitous circumstances, the master of
the vessel or the person in command of the aircraft shall as soon as possible
inform the administrator of the first customs district reached, and shall
submit evidence to show that the goods were discharged, jettisoned or
transhipped as the result of an accident, storm or fortuitous circumstance;
in these circumstances, provided the administrator is satisfied that the evi-
dence submitted shows good and proper cause, the aforesaid fines shall not
be applicable.

Cuba

(a) Customs Regulations of 22 June 1901

Article 9. Customs officers are authorized to board vessels bound for the
Island of Cuba, whether in port or within four leagues of the coast; to
demand manifests or make search and examine any or all parts of the
vessel; to seal and take account of any packages found separated from the
residue of the cargo; but in the case of foreign vessels protected by treaty,
notice of an intended search must be given to the proper foreign consul.

Article 64. In order to secure the collection of the legal duties the
custom houses shall exercise surveillance over the coast, beginning with the
moment when a vessel enters the jurisdictional waters of the Island of Cuba
and concluding when the merchandise imported therein has been legally
passed through the custom houses, except that in case of justifiable suspicion
of fraud said merchandise may be followed in its transportation by coasting
vessels, by railroad or by any other means or in any other way by land or
water, from one point of the Island to another, in which case a new exami-
nation shall be made and proof required of the payment of the proper duties
at the custom house of arrival.

The jurisdictional waters of Cuba extend to four leagues from the coasts
of the Island or from the keys belonging to it.

Article 79. The master of every vessel bound to a port of Cuba must,
on arrival within four leagues of the coast or within the limits of any col-
lection district in which the cargo or any part thereof is intended to be
unladen, produce the manifest for inspection to any officer of the customs
who may first come on board the vessel, and deliver to him a copy thereof
subscribed by him.

The officer, after the requisite examination and comparison of the original
and copy, shall certify on the original to its production, and on the copy

1 Colección Legislativa, 1901, vol. 2, p. 91; J. F. Vizcaino y Ortiz, Ordenanzas
de Aduanas (Habana, 1947), pp. 36, 127, 176, 719. Translation from Head-
quarters Department of Cuba, Civil Orders and Circulars, 1901 (Civil Report of Military
Governor, vol. 2). See also: United Nations Legislative Series, Laws and Regulations
on the Régime of the High Seas, vol. 1, 1951, p. 64.
to the fact of its agreement with the original, and shall forthwith transmit such copy or copies to the collector of the district to which the merchandise may be consigned.

**Article 244.** It shall be the duty of officers of revenue vessels, whenever possible, to board vessels arriving within the waters of the Island of Cuba or within four leagues of the coast thereof if bound for Cuba, to search and examine the same, to demand, receive, and certify the manifests required of them by law, to seal the hatches and other communications with the cargo, and where necessary, to place an officer on board to remain until arrival at the port of destination.

**(b) Legislative Decree No. 1942 of 25 January 1955**

**Article 1.** The Navy shall be responsible for dealing with applications for, and for initiating, processing, settling and giving effect to documents relating to, temporary concessions for the purpose of works, structures and installations of a non-permanent character in the maritime and coastal zone on any part of the coast, beaches, harbours and the mouths and banks of navigable rivers.

The Chief of the Naval General Staff shall have authority to issue permits in respect of the temporary concessions aforesaid for a period not exceeding six months, and such permits shall be deemed to be valid. Permits for a period not exceeding one year shall be issued through the same channels but shall be referred to the President of the Republic. Any such provisional permit shall be subject to the condition that masonry works are not erected which, after the expiry of the twelve months, will hamper the free use of the area in the maritime and coastal zone.

**Article 2.** The Navy shall be responsible for dealing with applications for concessions in the coastal and inland reaches of rivers, up to the point to which the rivers are navigable.

**Article 3.** The Navy shall deal with applications for, and shall initiate and process documents relating to, permanent concessions for the purpose of works, structures and installations of a permanent character in the maritime or coastal zone on any part of the coast, beaches, harbours and the mouths and banks of navigable rivers.

If in a particular case with which he is concerned under the two foregoing articles the Chief of the Naval General Staff considers it necessary, in conformity with the principles set forth in other statutory provisions and in the Harbours Act and the regulations made under the said Act, to obtain reports from State, provincial or municipal bodies, he shall transmit the documents in the case to the said bodies; upon the completion of the formalities the file of documents must be submitted to the President of the Republic for consideration and approval, and, if the President considers that the concession in question should be granted, the grant shall be embodied in a Presidential Decree.

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1 Text of Decree provided by the Permanent Mission of Cuba to the United Nations. Translation by the Secretariat of the United Nations.
Article 4. Concessions relating to forest products, the working of sea salt, maritime and river sand, or to fishing, do not come within the authority of the Navy.

Article 12. For the purposes of this Legislative Decree, the territorial sea or jurisdictional waters of Cuba extend to the distance specified in article 64 of the Customs Ordinances now in force.

(c) Organic Law of the Navy (Legislative Decree No. 1459 of 1954, as amended by Legislative Decree No. 2033 of 1955)

CHAPTER II

Function of the Navy

Article 3. It is the function of the Navy:

(8) To take enforcement action to deal with any contraventions of Acts, Decrees and Regulations which are committed in territorial waters and to guard the maritime frontiers and coasts of Cuba.

(d) Decree No. 725 of 10 March 1942. The Navy. Maritime Terrestrial Zone. Special Permit for Bringing to the Surface Material or Iron Objects in the Territorial Waters of the Republic

1. Any individual or corporation desiring to bring to the surface of the jurisdictional waters of the Republic or the terrestrial maritime zone iron material or objects consisting of wrecked ships or vessels or of parts thereof, or of portions or fittings therefrom, or separate material of such kind in any form whatsoever, must apply to the Chief of the Naval Staff for a permit, to be granted by the President of the Republic after due inquiry and decision concerning the source of the application and after consideration of the action taken by the Naval Staff thereon. Concessions and authorizations of such nature obtained in virtue of a statutory provision before the date of this Decree shall henceforth be valid only if ratified in the form and according to the procedure aforesaid.

Note. See also: Organic Law of the Army and Navy, approved by Decree-Law No. 7 of 27 January 1942, article 36 (supra, Chapter I, under Cuba (a)); and Decree No. 335 of 10 February 1942 (supra, Chapter I, under Cuba (b)).

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Article 11. Pilotage shall ordinarily not be compulsory in Danish waters unless in the interest of general shipping and communications it appears that a canal, dredged channel, harbour or a particularly difficult or narrow fairway should be navigated with more than ordinary care or skill. The Minister may in such cases require vessels to be piloted in those areas to such extent as may appear necessary.

The Minister may make pilotage temporarily compulsory even though the conditions mentioned in the first paragraph of this article are not present if such action is absolutely essential in the interest of the State. During such time as pilotage in any waters is compulsory as herein provided, the cost of pilotage etc. in such waters shall be defrayed wholly or in part by the Treasury as the Minister may direct.

Article 12. Save as otherwise provided by international agreement, no ship wishing to be piloted may engage any person other than a Danish licensed pilot for pilotage in Danish ports or the Danish territorial sea.

No ship of Danish nationality wishing to be piloted may, even though it is outside the Danish territorial sea, engage any person other than a Danish licensed pilot for pilotage:

(a) In the Great Belt, Little Belt and Sound, including all adjacent inlets, bays and sounds, but excluding the areas belonging to the territorial sea of a foreign State (cf., however, first paragraph);

(b) From a Danish port or an area of the Danish territorial sea to another Danish port or area of the Danish territorial sea without an intermediate stop at a foreign port or passage through the territorial sea of a foreign State (cf., however, first paragraph); or

(c) From the Danish territorial sea en route to the North Sea or the Baltic Sea without an intermediate stop at a foreign port or passage through the territorial sea of a foreign State (cf., however, first paragraph).

A ship wishing to engage a Danish pilot in any case not provided for in the first or second paragraph may engage a licensed pilot as aforesaid only if he is duly authorized to provide pilotage in the waters concerned.

If no pilot appears after a ship has requested a pilot in the prescribed manner (cf. article 20), the master of the ship shall be free to engage as emergency pilot any person knowing the waters, for such fee as may be agreed upon with that person.

Article 44. All measures for the guidance of navigation in Danish waters shall be subject to the supervision of the Minister of Defence. The Minister shall determine the manner in which and the organs of the Ministry of Defence by which such supervision shall be exercised.
Article 46. Without the permission or approval of the Ministry of Defence or of an authority authorized by the Minister of Defence for the purpose, it shall be unlawful to mark off waters, as by setting out sea-marks or setting up lights, radio beacons, fog signals, ordinary beacons or other navigation devices; to place objects in navigable waters which may hamper navigation, to set up illuminated advertisements or the like which may constitute a source of confusion to navigation.

(b) Act No. 118 of 28 March 1951

concerning measures for the safety of navigation

Article 5. The precautions to be taken on board Danish ships for the avoidance of collisions and for protection against dangers to navigation, and also the day and night signals to be used in case of distress at sea shall be prescribed by Royal Order. Such Order shall also determine the extent to which the provisions of the Order shall be applicable to foreign ships in the Danish territorial sea.

The signals or signs thus prescribed shall not be used for any purpose other than that prescribed. No private distinguishing marks for ships or private signals (such as flag, light-signals or sound-signals) may be used without prior authorization from the Ministry of Trade, Industry and Navigation.

The Minister of Trade, Industry and Navigation may, after consultation with the Minister of Defence make regulations for the maintenance of order and the prevention of danger in Danish waters, including regulations on the measures to be taken to prevent the obstruction of free navigation.

(c) Notice of 1 February 1955 relating to navigation inside Arsuk Fiord, Greenland

Article 1. (1) All non-military ships and vessels shall be prohibited from navigating; or anchoring anywhere in Arsuk Fiord east of a line
running from Nuluk light (61° 13’ 48" N, 48° 11’ 52" W) to the most easterly anchorage beacon at Ivigtut (61° 12’ 35" N, 48° 09’ 45" W), unless prior authorization has been obtained from the Greenland Command (Grønland Naval Station).

(2) The Greenland Command (Grønland Naval Station) shall be authorized to order off, or, if necessary, to seize ships and vessels which fail to comply with this regulation or with the Greenland Command’s instructions on navigation and anchoring in the area designated in article 1.

(3) Any inward-bound ship or vessel passing Kamigtalik Point shall as far as possible answer the signal from the Naval Station, giving its name, home port and destination.

(d) Customs Act No. 171 of 11 May 1928

Article 48.

4. Any vessel under 120 net tons which within the territorial limits (one nautical mile or four kvartmil) is found to be carrying on board goods of the type mentioned in paragraph 1 the customs duties on which amount to not less than 200 kroner shall be considered to be attempting to engage in smuggling unless there is strong evidence that the vessel is not being used for such purpose.

(e) Customs Regulations of 1 February 1797

Article 137. A vessel, whether bound for Denmark or a foreign country, shall be subject to the supervision of the Customs Administration as soon as it anchors off the coast of the Kingdom or approaches within such distance of that coast that such supervision can be exercised; and if a Danish Customs officer signifies his desire to go on board, he shall not be prevented or hindered from doing so, but the master and crew of the vessel shall, especially when the Customs officer has identified himself by showing his Customs flag or badge, stop the vessel and render him all necessary assistance for the aforesaid purpose, and give him any information in respect of the vessel and its cargo which he in his capacity as a Customs officer may request, subject in all cases to the penalties prescribed by Part 1, Articles 90-95, of this Order.

(f) Royal Decree No. 234 of 9 September 1927 on measures to prevent smuggling

In pursuance of Article 1, first paragraph, of Act No. 275 of 13 November 1926 respecting measures for the prevention of smuggling etc., and in

1 Denmarks Love 1669, p. 946; translation by the Secretariat of the United Nations.
2 kvartmil equals one quarter of the old Danish long mile.
3 Ibid., 1665-1946, p. 42. Translation by the Secretariat of the United Nations.
connexion with Royal Order No. 281 of 17 November 1926, it is hereby
deeded that the provisions of the Customs laws relating to the carriage of
goods by sea etc. and the penal provisions issued in connexion therewith,
including the provisions of Article 48, fourth paragraph, of the Customs
Act of 29 March 1924, shall henceforth apply not only to vessels of Danish,
Estonian, Finnish, Latvian, Norwegian and Swedish nationality, but also
to vessels of Polish, Danzig and German nationality within the areas and
to the extent specified in Article 9 of the Convention for the Suppression
of the Contraband Traffic in Alcoholic Liquors and the Final Protocol
thereof, signed at Helsinki on 19 August 1925, ratified by Denmark on
23 April 1926, and promulgated by a Ministry of Finance Notice of 20 May
1926 (cf. Ministry of Finance Notice of 8 September 1927 respecting the
accession of various countries to the said Convention).

(g) ROYAL DECREES 219 OF 4 DECEMBER 1929 ON MEASURES TO
PREVENT SMUGGLING 1

In pursuance of Article 1, paragraph 1, of Act No. 275 of 13 November
1926 on measures to prevent smuggling etc., and in connexion with Royal
Order No. 281 of 17 November 1926, Royal Order No. 234 of 9 September
1927, and Royal Order No. 181 of 25 August 1929, it is hereby provided
that the rules of customs law relating to the carriage of goods by sea etc.
and the penal provisions connected therewith, and the provisions of the
Customs Act of 29 March 1924, Article 48, paragraph 4, shall henceforth
apply to ships of Russian nationality—in addition to ships of Danish,
Estonian, Finnish, Latvian, Norwegian, Swedish, Polish, Danzig, German
and Lithuanian nationality—in the areas and to the extent laid down by
Article 9 of the Convention for the suppression of the contraband traffic in
alcoholic liquors and the Final Protocol thereto, signed at Helsinki on
19 August 1925 and ratified by Denmark on 23 April 1926, and notified
by a Finance Ministry notification of 20 May 1926 (cf. Finance Ministry
notifications of 8 September 1927, 22 August 1929 and 3 December 1929
on the accession of foreign countries to the said Convention.

(h) ACT NO. 219 OF 1 JULY 1955 RESPECTING MEASURES
TO PREVENT SMUGGLING, ETC. 2

Article 1. (1) Pursuant to the Convention for the Suppression of the
Contraband Traffic in Alcoholic Liquors, signed at Helsinki on 19 August
1925, a Royal Order may be made for the purpose of applying the customs
legislation as it relates to the carriage of goods by sea, etc., and the relevant
penal provisions (including the provisions of article 48, paragraph (4), of
the Customs Act of 29 March 1924) to Danish and foreign vessels within
the areas and to the extent specified in the said Convention, in which the
expression “twelve nautical miles” (somil) shall be understood to mean
ten Danish quarter-miles (kvartmil).

(2) A Royal Order may be made for the purpose of providing that
customs officers of a foreign State with which an agreement has been

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1 Dansk Lovsamlæ, 1929, p. 297. Translation by the Secretariat of the
United Nations.
2 Lovtidende A, 1955, pp. 620 et seq. Translation by the Secretariat of the
United Nations.
concluded concerning the joint control of certain waters for the suppression of the illegal import of alcoholic liquors shall, when carrying out their duties in such portions of the Danish customs area as are covered by the agreement, including the enlarged Customs zone referred to in paragraph (1) of this article, possess the same authority and enjoy the same legal protection as Danish customs officers.

**Article 5.** This Act, which shall not apply to the Faroe Islands, shall enter into force forthwith.

**Dominican Republic**

(a) Means of Communication Act No. 1474 of 22 February 1938, as amended by Act No. 42 of 21 December 1938

**TITLE I. GENERAL PROVISIONS**

**Chapter I. Means of Communication**

**Article 1.** This Act shall apply to the following means of communication:

(a) The territorial sea, the extent and limits of which shall be those laid down in statute and by international usage and treaties;

**Chapter III. Utilization and Exploitation of Sea Routes and Inland Waterways**

**Article 54.** The planning, designing, construction, installation, repair and improvement of ports and of all other structures erected in or on sea routes and inland waterways shall be carried out by the State Department of Communications and Public Works, in so far as the operations in question do not form the subject of a concession or licence authorizing a private person, or a municipal authority or the District of Santo Domingo to carry out the work.

**Article 55.** The policing of the ports shall be governed by the relevant laws and regulations.

**Article 56.** The ports are the property of the State and shall be reserved for public use.

**Article 57.** No person shall have the right to erect any structures whatsoever in the territorial sea, or in the sea routes and inland waterways, or on the strips of land bordering on the same, except as authorized by the provisions of Title I of the Finance Act No. 1113 of 3 May 1929.

(b) Law No. 55 of 27 December 1938 declaring Las Calderas Bay to be a naval and air station

**Article 1.** Las Calderas Bay, situated on the southern coast of the territory of the Republic, between Calderas and Matasola headlands, at lat.
18°13'23" N and long. 70°31'32" W, is declared to be a naval and air station and is destined for use as a base for units of the Dominican Navy and for military aircraft.

Article 3. The whole area of the bay between the points mentioned, together with the territorial waters over an area extending three leagues out to sea from the outermost coastal point or from the low-water mark at that point, is declared a military area; consequently, with the exceptions stated below, national or foreign sailing or power-driven merchant ships and aircraft as well as foreign warships and military aircraft, may not enter these territorial waters without authorization from the Chief of the General Staff.

A law shall be issued to delimit the military area upon land.

Article 4. Nevertheless, national and foreign merchant ships shall not be prevented from entering or passing through the territorial waters, nor stopped for inspection if it is evident from their course, distance from land and other indications that they are making for a port in the Republic.

Nevertheless, the right of search shall be exercised within the territorial waters when information has been received that a vessel that has been sighted is similar in appearance to a vessel the particulars of which are known and concerning which orders have been received to watch or inspect it.

(c) Harbour and Coastal Police Act No. 3003 of 1951

Article 4. Harbour-masters (Commandantes de Puerto) are officials of the Judicial Police. In that capacity they shall, in the event of any crime or offence committed on board a Dominican or foreign merchant vessel, whether in a port or in the territorial waters of the Republic, report the circumstances to the ordinary courts, this action to be without prejudice to whatever action may be taken by other officials of the Judicial Police. A copy of the report and its supporting documents shall be sent to the Secretary of State for War, Marine and Aviation for information.

(a) In the event of a crime or offence committed on board a warship, the harbour-master concerned shall not go on board but shall instead prepare a report setting forth the facts which have come to his notice; this report shall be transmitted to the said Secretary of State for information.

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Ecuador

Maritime Police Code, promulgated by Decree No. 765 of 9 August 1944

**Title I**

Maritime Policing: Jurisdiction and Competence

**Section II**

Article 18. The right of maritime policing extends to the territorial sea and foreshores specified in articles 582 and 583 of the Civil Code, and in

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1 Text of Act provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.

addition to all internal waters of the gulfs, bays, inlets, channels and canals of the Republic on the mainland, and to the internal waters of the Galapagos (Colon) Archipelago.

TITLE III. FORESHORES AND BAY AREAS

Section I. General Provisions

Article 80. Foreshores as far as the high water mark on their natural slope, whether gradual or abrupt, rivers and large lakes, as well as the zone of the sea within the policing limit (12 nautical miles), belong to the national domain, for the purposes of the regulation of their use and the application of fiscal laws, and accordingly no part of a foreshore or bay, above or below the water, may be permanently occupied without the due authorization from the Ministry of National Defence, to be applied for through the competent port authority.

Article 97. It is unlawful within the territorial sea for any vessel, Ecuadorian or foreign, to carry out hydrographic or topographical surveys of any part of the sea or foreshore without due authorization. Consequently, soundings may not be taken except along regular shipping lanes, and there only when necessary for the vessel’s safe navigation.

Section II. Fishing and maritime hunting

Article 99. Within the waters subject to maritime policing and the fishing regulations, fishing and maritime hunting shall be reserved to Ecuadorian nationals who have registered in conformity with this enactment or such other persons as have obtained the licence presented by Ecuadorian legislation.

TITLE V. MARITIME TRAFFIC

Section III. River and Coastal Shipping

Article 107. In the matter of position or guide lights, the use of foghorns and steering manoeuvres when there is danger of collision, vessels of Ecuadorian nationality everywhere and vessels of foreign nationality in waters under Ecuadorian jurisdiction shall conform to the international regulations for the prevention of collision at sea approved by Great Britain and modified by the London Chamber of Commerce in 1937.

TITLE VII. VIOLATIONS AND PROCEDURE

Section I. General Provisions

Article 353. The authority competent to try and decide cases involving offences against this Code shall be the port authority within whose jurisdiction the particular offence was committed.
Article 392. The maritime authorities shall make no public announce-
ment of the arrival in, or departure from, port of a merchant vessel or
warship of an Allied country or of a country friendly to the Allies.

El Salvador

(a) Navigation and Maritime Act of 27 October 1933

Article 2. National dominion shall extend over salt lakes, coves and
bays as well as over the adjacent open sea, up to a distance of one marine
league measured from the low-water mark; but the right of police, in
matters related to the security of the country and to the observance of fiscal
laws, extends up to a distance of four marine leagues measured in the same
manner.

Article 16. Each commandant and port captain shall make effective the
right of police which belongs to the nation with respect to the four marine
leagues mentioned in Article 2, within the limits marked by prolongations
of lines which delimit their respective departments.

Article 217. Any vessel which navigates in the waters of the Republic
shall be liable to search regardless of its nationality or status. Warships
and vessels carrying foodstuffs or supplies for warship shall be exempted
from this rule unless they are also carrying general merchandise.

Article 241. If a person commits a non-political offence while on board
a vessel in the waters of El Salvador, he shall be tried under the laws of
El Salvador, and the master of the vessel shall be bound to surrender him
immediately upon receiving a request for his surrender from the authorities.
Similarly, any person who is a fugitive from justice and who has taken
refuge on the vessel shall be surrendered. This provision shall not apply
to any person who commits an offence on board a foreign warship and who
is a member of the crew or of the armed forces.

(b) Marine Administrative Regulations of 27 October 1933

Title III

Navigation

Article 33. While a vessel, whether a sailing or steam-propelled vessel,
is navigating or anchored or moored in the territorial sea the captain or

1 Diario Oficial, No. 254, 16 November 1933, p. 2373. Text of Articles 217
and 241 provided by the Ministry of Foreign Affairs of El Salvador. Translation
by the Secretariat of the United Nations. See also: United Nations

2 Text of Regulations provided by the Ministry of Foreign Affairs of El
Salvador. Translation by the Secretariat of the United Nations.
master of the vessel shall be under a duty to ensure that it does not obstruct traffic or cause damage to other vessels, or to the coastal defence works, piers, buoys, signals or other aids to navigation, and to take proper precautions against rats.

Article 43. It shall be unlawful to engage in fishing or hunting within the limits of ports, and it shall only be lawful to engage in fishing and hunting outside ports if the express permission of the maritime authorities has been obtained.

Article 51. If a vessel runs aground in territorial waters at any point within the limits of a port, the master or pilot of the vessel shall be under a duty to display in a conspicuous position the internationally recognized signal for a stranded vessel, viz: three black balls placed in a vertical position not less than one metre apart, and by night, three circular red lights at the same distance apart, and he shall notify the maritime and customs authorities forthwith.

TITLE IV

Assistance and salvage in case of shipwreck

Article 75. If a vessel suffers shipwreck in Salvadorian waters it may be removed by its owner, subject to prior authorization by the Ministry of Marine; the operation shall be carried out under the supervision of the competent maritime authority which shall, if the operation is capable of affecting navigable channels, prescribe the conditions to be observed.

If the Ministry of Marine considers such action proper it shall, either directly or through the port authority, request the agent, owner or representative of a vessel which has suffered shipwreck in Salvadorian waters to arrange for the removal of the same within a time limit and in the manner to be specified by the Ministry in each particular case.

Article 84. Any person who is required to remove a vessel or any articles or objects whatsoever that are lying in territorial waters shall give the maritime authority advance notice of the operation, so that the authority may, if it considers such action advisable, supervise and direct the operation.

TITLE VI

Registration of vessels

Article 119. In the territorial sea, fishing shall be reserved to nationals of and aliens resident in El Salvador, but in the maritime areas and rivers which are open to public use fishing may be carried on without restriction during the seasons specified in the relevant regulations, provided that the permission of the competent authority has been obtained.
The maritime authority shall be responsible for enforcing strict compliance with the regulations relating to fisheries which are enacted by the Executive Power.

(e) **Civil Code of 1860**

**Title III**

**Property of the State**

**Article 578.** The ownership of newly formed islands in the territorial sea, or in rivers and lakes which are navigable by vessels of over 100 tons, shall vest in the State.

**Article 585.** Neither Salvadorian nor foreign vessels shall put in at or approach any place on the shore which is not by statute designated as a port, an exception being permissible in case of necessity such as imminent peril of shipwreck or capture or like compelling circumstance; if the captain or master of a vessel contravenes this rule in circumstances not covered by the exception he shall be liable to the penalties prescribed by the relevant legislative provisions and ordinances.

Shipwrecked persons shall have free access to the shore and shall be assisted by the local authorities.

**Article 592.** Fishing in the high seas shall not be subject to any restriction. Fishing in the territorial sea shall, however, be restricted to nationals of El Salvador and to aliens who are resident in El Salvador.

Fishing in rivers and lakes open to public use shall likewise not be subject to restriction.

**Ethiopia**

**Maritime Proclamation No. 137 of 1953**

**A. Jurisdictional Provisions**

I. **Public Necessity—Jurisdiction**

2. Jurisdiction, administration and control of and over the territorial waters, maritime domain and defence areas of Our Empire, and of and over Ethiopian ships and vessels on the high seas and elsewhere, and of and over the marine industries and enterprises established or to be established within Our Empire, are hereby declared and determined to be of public necessity and of primary concern to the national defence and to the regulation of foreign and interstate commerce and of external and interstate communications, including ports. The said jurisdiction, administration and control shall be vested exclusively in the Imperial Ethiopian Govern-

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1 Text provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.

2 Negarit Gazeta, 13th Year, No. 1, 23 September 1953, pp. 21-54.
ment except in so far as specified portions of the maritime domain and
defence areas may be declared by Imperial Decrees to be not subject to the
exclusive jurisdiction and control of the said Government.

3. The establishment of defence areas along or in the vicinity of Our
coasts and elsewhere within Our Empire is declared to be of public necessity
and of primary concern to the national defence. Such defence areas may
include ports.

Imperial Decrees shall determine and establish such defence areas and
the rights, jurisdiction, legislation, regulations and controls that may be
exercised therein.

4. Our Ministry of National Defence shall have general and exclusive
supervision of the territorial waters, the maritime domain and the defence
areas of Our Empire, of all Ethiopian merchant ships and vessels, and of
the crews of the same, and of all marine industries and enterprises within
Our Empire. It shall also be charged with the direction of Our Coast Guard
and, except as otherwise ordered by Us, with the direction of all activities
on behalf of Our Government within the territorial waters and the maritime
domain of Our Empire. It shall issue all such regulations as may be neces-

sary and appropriate, in conformity with the provisions of the present
Proclamation, in the exercise of the said supervision and in the direction of
the said activities.

5. Jurisdiction over and administration and control of all means of
marine telecommunications and telecommunications utilized for marine
transportation are declared to be of public necessity for the national defence
as well as for external and interstate communications, including ports and
as such shall be subject to such measures and regulations as shall from time
to time be promulgated by Our Minister of National Defence and Our
Imperial Board of Telecommunications.

B. MERCANTILE MARINE PROVISIONS

I. Definitions

6. For the purposes of this Proclamation and the regulations and in-
structions to be issued in conformity therewith,

(f) The territorial waters of Our Empire are defined as extending from
the extremity of sea-board at maximum annual high tide of the Ethiopian
continental coast and of the coasts of Ethiopian islands, in parallel line on
the entire sea-board and to an outward distance of twelve nautical miles,
except that in the case of the Dahlac archipelago the seaward limit of the
territorial waters shall be that defined in Our Federal Revenue Procla-
mation No. 126 of 1952, and that in the case of pearl and other sedentary
fisheries the seaward limit of the territorial waters shall extend to the limits
of the said fisheries. The Imperial Ethiopian Government have full domi-
nion over the said waters and exclusive control over the natural resources
within and beneath the said waters. Fishing of all sorts, including pearl
fishing, within the said territorial waters shall be reserved exclusively to
nationals of Our Empire except as provided in article (9) of this Procla-

(g) The maritime domain of Our Empire is defined as extending inward
from the extremity of sea-board at maximum annual high tide to a distance of one hundred meters along each of the aforesaid coasts and as including, in addition, the gulfs and bays along the said coasts; the areas heretofore reserved, on or near the said coasts, for military, naval and aeronautical installations; and the port areas defined in regulations of Our Ministry of National Defence. The said domain shall be within the exclusive jurisdiction and control of the Imperial Ethiopian Government except in so far as may be otherwise determined by Imperial Decree.

IV. Protective Measures

9. The right to transport persons or goods, for profit, from one point to another on Our coasts and the right to engage in fishing, towing or salvage within the territorial waters of Our Empire are reserved to Ethiopian merchant ships and vessels and, with the exemption of pearl fishing, to such foreign ships and vessels as may be accorded these rights for limited periods within three years from the date of this Proclamation, by Our Ministry of National Defence, upon the application of marine industries and enterprises duly registered under the regulations of the said Ministry.

10. The right to engage in any of the maritime operations mentioned in article 6 (e) hereof is reserved to marine industries and enterprises duly registered under the regulations of Our Ministry of National Defence and to such foreign persons, including juridical persons, as may be accorded this right by the said Ministry.

11. Whenever it is ascertained by Our Ministry of National Defence that any foreign country is according to its own merchant ships or vessels special privileges in derogation of the principle of freedom of the seas and to the detriment of Ethiopian merchant ships or vessels, Our Ministry of National Defence, with the approval of Our Ministries of Foreign Affairs, Finance, and Commerce and Industry, may adopt such counter-measures as may be deemed appropriate.

VI. International Conventions

13. The regulations to be issued by Our Ministry of National Defence with respect to any matter which is governed by the provisions of generally accepted international law or of any international treaty or convention to which We are a party shall be in conformity with the said provisions.

14. The regulations that may be issued by Our Ministry of National Defence to assure the maintenance of sanitary conditions in Our ports and on board Ethiopian ships and vessels shall be in general conformity with the International Sanitary Conventions of 1938 and 1944.

15. All Ethiopian ships and vessels as well as foreign ships and vessels within the territorial waters of Our Empire must comply with the international signalling regulations and the regulations governing the international code of signals, placed into force in 1934 in conformity with the decisions of the International Congress of Telecommunications of Washington 1927.
XIII. **Foreign Currency**

32. Subject to the presentation to the Authorized Dealer of certifications by Our Ministries of Finance and of National Defence that any of the conditions stated in the following paragraphs exist and that the proposed remittance is not to an enemy country.

(a) Ethiopian subjects or foreigners permanently residing in Our Empire who present satisfactory evidence that they have entered into *bona fide* contracts to purchase abroad ships or vessels which will be registered in Our Empire shall be entitled to the foreign currency required for this purpose, subject to the prior consent of the Authorized Dealer.

(b) The owners of Ethiopian ships engaged exclusively in maritime operations between points on Ethiopian coasts or in the Red Sea or the Gulf of Aden, with their base of operations in an Ethiopian port, in need of fuel or materials or of foreign currencies for the repayment of foreign loans on such ships declared at the time of registration, or for payment of insurance premiums, wages, expenses of salvage, repairs, dry docking, surveys, or ship-building shall be entitled, for these purposes, to foreign currencies of the countries in which the said fuel or materials are purchased, or the said repayment is due, or the said premiums, wages and expenses are payable, provided that foreign currencies required for repayment of foreign loans shall be made available only with the approval of the Authorized Dealer.

(c) Foreign nationals serving in any capacity on an Ethiopian ship operating exclusively between points on Ethiopian coasts or in Our territorial waters and foreign nationals engaged abroad to perform essential technical services for duly registered marine industries or export monthly in foreign currency at the choice and discretion of the Authorized Dealer from 50% of their salaries or emoluments from such employment.

(d) Foreign nationals who are owners or co-owners of or shareholders in Ethiopian ships or in marine industries or enterprises duly registered under the regulations of Our Ministry of National Defence, shall have the right to export every three months or every semester or every year at their option, in foreign currencies of the monetary areas of the countries of which they are nationals, the profits received by them in Our Empire during such respective period or periods.

33. The owners of any Ethiopian ship calling at an Ethiopian port not less than six times a year and importing into Ethiopia foreign currency earned by it abroad shall be permitted to use said currency so far as may be necessary for the foreign exchange requirements in connection with the operation of the said ship, and shall have the free disposal of the amount in excess of these requirements, except that all such foreign exchange imported, transferred or otherwise brought into Ethiopia shall be subject to Our foreign exchange laws and regulations.

C. **COMPETENT COURTS AND APPLICABLE LAWS**

I. *Courts sitting in Admiralty—Disciplinary Boards—Police Courts*

34. In Articles 36 and 39 of the present Proclamation, the words "matter" and "matters" shall include, whether civil or criminal, cases, controversies, causes, suits, libels, actions, issues, questions, principal, subsidiary and pendent, and proceedings.
35. Our Federal Courts sitting in admiralty alone shall have jurisdiction to hear and decide matters of whatever nature arising on or within Our territorial waters, or maritime domain or on Ethiopian ships on the high seas.

36. Jurisdiction over all matters based on or concerning the application or interpretation of the present or any other maritime law of Our Empire shall be vested exclusively in Our Federal Courts. Our High Court sitting as Our Federal High Court shall have original jurisdiction in all such matters, subject to the right of appeal to Our Supreme Court sitting as Our Federal Supreme Court, as determined by the rules of court of Our Supreme Court sitting as Our Federal Supreme Court. In all such matters, Our Federal High Court shall sit in such admiralty divisions as may be necessary for the prompt and efficient consideration and judgment of the same, with the exception of non-maritime matters based on or concerning Articles 54, 55, 57 and 87 in which cases Our Federal High Court shall have its normal composition.

40. Injuries to the person or to personal rights and interests as well as damage to or destruction of property or interests when effected within the territorial waters or maritime domain of Our Empire or on Ethiopian ships on the high seas shall be within the exclusive jurisdiction of Our Federal Courts sitting in admiralty.

42. The regulations that may be issued by Our Ministry of National Defence for the maintenance of order within Our maritime domain and Our defence areas may provide for the establishment of police courts under the direction of Our port authorities and may provide penalties to be imposed by the said police courts, after due hearing in each case, for offences, not constituting felonies or misdemeanours, which may be specified in the said regulations. The said penalties may not in any case be in excess of imprisonment for one month or a fine of Eth. $200.— or both.

II. Applicable Laws

43. Our federal courts sitting in admiralty shall in all criminal cases and in all cases calling for the application of criminal law and in all cases involving injuries to the person or to personal rights or interests or destruction of or damage to property or interests, apply the federal law of Our Empire except that the said Courts may, in their discretion, apply the appropriate foreign law (a) when the internal discipline of a foreign ship or vessel is alone involved; (b) in cases in which a foreign wrongful death statute could by its terms be applied; and (c) in cases in which a foreign statute for limitation of liability could by its terms be applied.

44. Our federal courts sitting in admiralty shall, in any case of maritime contract, have the discretion to apply internationally accepted rules of conflicts of laws for determining the law of the contract.

45. Our federal courts sitting in admiralty shall, in all cases of tort and/or contract in the absence of statutory provisions, apply the principles generally recognized in admiralty courts throughout the world including procedural and remedial principles as well as substantive principles and,
in the matter of tort, the generally recognized principles of Admiralty law in respect of contributory negligence, contribution between tort feasors, etc.

D. PROPERTY RIGHTS

II. Wrecks

48. All abandoned wrecks on Our coasts or within Our territorial waters are the property of Our Government. A wreck shall be deemed to have been abandoned if the owners, having been called upon by Our Coast Guard or Our port authorities to remove the same, have refused or neglected to do so within a reasonable time. In the event that any wreck on Our coasts or within Our territorial waters is considered by Our Coast Guard or by Our port authorities to be an obstacle to navigation, the said Coast Guard or port authorities, upon the refusal or neglect of the owners, after due notice, to remove or destroy the same within a reasonable time may remove or destroy the said wreck at the expense of the owners.

III. Wrongful Death

49. (a) Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas or within the territorial waters, the maritime domain or the defence areas of Our Empire, the personal representative of the decedent may maintain a suit for damages in any division of Our Federal High Court sitting in admiralty, for the exclusive benefit of the decedent’s wife, husband, parent, child or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

(b) The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

(c) Suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered.

E. PENAL PROVISIONS

VIII. Confiscation of Ships or Vessels

98. The regulations that may be issued by Our Ministry of National Defence for the supervision and control of fishing within Our territorial waters may provide that any ship or vessel of whatever registration engaged in such fishing without authorization as required by law or using means of fishing prohibited by the said regulations, as being wantonly destructive of marine life, shall be subject to condemnation and confiscation by decree of a division of Our Federal High Court sitting in admiralty in an appropriate
Any ship or vessel condemned and confiscated pursuant to the provisions of this article shall be transferred in title and possession to Our Ministry of National Defence.

F. FINAL PROVISIONS

102. The present law shall not be construed to exclude the application within the territorial waters or maritime domain of Our Empire or upon Ethiopian ships on the high seas, of any other federal laws including federal laws made in execution of international treaties or obligations or concerning foreign and interstate commerce or external and interstate communications.

Finland

CUSTOMS REGULATIONS OF 8 SEPTEMBER 1939, ARTICLE 1
(supra, Chapter I, under Finland (a))

France

(a) Décret du 1er octobre 1934, portant règlement, pour le temps de guerre, des conditions d'accès et de séjour des navires autres que les bâtiments de guerre français dans les mouillages et ports du littoral français, des colonies et des régions dont la défense incombe à la France

Article 2. Aucun navire de commerce français, aucun navire étranger, de guerre ou de commerce, ne peut, sans s'exposer à être détruit, s'approcher des côtes, dans les eaux territoriales françaises ou dans celles des colonies, protectorats ou pays sous mandat dont la défense incombe à la France, à moins de trois milles, avant d'y avoir été autorisé.

Cette zone d'interdiction est portée à six milles des côtes au large des ports militaires de Cherbourg, Brest, Toulon, Bizerte et Dakar, entre les limites fixées ci-après:

Cherbourg: du méridien du cap Lévi au méridien de la pointe de Jar-duceau;
Brest: du parallèle du phare du Four au parallèle de la pointe du Raz;
Toulon: du méridien du Bec de l'Aigle au méridien du cap Bénat;
Dakar: du parallèle 14° 30' N au parallèle 15° N.

(b) Loi du 17 décembre 1926 portant code disciplinaire et pénal de la marine marchande

Chapitre IV. Défis concernant la police de la navigation

Article 63. Toute personne, même étrangère embarquée sur un navire français ou étranger, qui, dans les eaux maritimes et jusqu'à la limite des eaux territoriales françaises, ne se conforme pas aux règlements ou aux

ordres émanant des autorités maritimes et relatifs, soit à la police des eaux et rades, soit à la police de la navigation maritime, est punie d'un emprisonnement de six jours à six mois et d'une amende de 50 francs à 500 francs ou de l'une de ces deux peines seulement.

(c) Code des douanes annexé au décret N° 48-1985 du 8 décembre 1948

TITRE II. ORGANISATION ET FONCTIONNEMENT DU SERVICE DES DOUANES

Chapitre Ier. Champ d'action du service des douanes

Article 44. 1. Le rayon des douanes comprend une zone maritime et une zone terrestre.
2. La zone maritime est comprise entre le littoral et une limite extérieure située en mer à 20 kilomètres des côtes.
3. La zone terrestre s'étend:
   a) Sur les frontières maritimes, entre le littoral et une ligne tracée à 20 kilomètres en deçà du rivage de la mer et des rives des fleuves, rivières et canaux affluant à la mer jusqu'au dernier bureau de douane situé en amont, ainsi que dans un rayon de 20 kilomètres autour dudit bureau;
   b) Sur les frontières de terre, entre la limite du territoire douanier et une ligne tracée à 20 kilomètres en deçà.
4. Pour faciliter la répression de la fraude, la profondeur de la zone terrestre peut être portée, sur une mesure variable jusqu'à 60 kilomètres, par des arrêtés du ministre des finances.
5. Les distances sont calculées à vol d'oiseau sans égard aux sinuosités des routes.

Chapitre IV. Pouvoirs des agents des douanes

Section I. Droit de visite des marchandises, des moyens de transport et des personnes

Article 62. Les agents des douanes peuvent visiter tous navires au-dessous de 100 tonneaux de jauge nette se trouvant dans la zone maritime du rayon des douanes.

Article 63. 1. Les agents des douanes peuvent aller à bord de tous bateaux, y compris les navires de guerre, qui se trouvent dans les ports ou rades ou qui montent ou descendent les rivières et canaux. Ils peuvent y demeurer jusqu'à leur déchargement ou sortie.

4. Sur les navires de guerre, les visites ne peuvent être faites après le coucher du soleil.

1 Code des douanes, législation applicable au 1er mai 1954, Paris, p. 11.
Chapitre III. Droits de navigation

Section I. Droit de quai

1. Généralités

2. Taxes sur les navires

Article 271. Il est perçu par tonneau de jauge nette, dans chaque port, une taxe calculée ainsi qu'il suit:

Article 276. Sont exempts des taxes prévues ci-dessus:

Les navires de guerre;

(d) Arrêté du 1er février 1932 (zones interdites au survol et à la photographie aérienne)

L'annexe I de l'arrêté du 20 avril 1926, modifié par arrêtés en date du 26 octobre 1928, du 24 mai 1929 et du 20 juin 1929, relatif aux zones du territoire français interdites au survol et réglementant le transport des appareils photographiques et cinématographiques à bord des aéronefs est remplacé par l'annexe I ci-après:

ANNEXE I DE L'ARRÊTÉ DU 20 AVRIL 1926

Liste des zones interdites au survol et à la photographie aérienne

A la demande des ministres intéressés, sont interdites au survol et à la photographie aérienne, les zones suivantes:

Frontière maritime

Cherbourg. Zone comprise à l'intérieur d'une ligne passant:

Sur mer: à 6 milles au large de la laisse de basse mer entre Quineville et le cap de Flamanville.

Brest. Zone comprise à l'intérieur d'une ligne jalonnée par les points suivants:

Sur mer: 6 milles à l'Ouest du cap de la Chèvre, 6 milles à l'Ouest et au Nord de l'île d'Ouessant.

Lorient. Zone comprise à l'intérieur d'une ligne passant:

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2 Journal officiel, n° 135 du 11 février 1932, p. 1567.
Sur mer: à 6 milles de la laisse de basse mer au large de la côte de l’île de Groix.
Toulon: Zone comprise à l’intérieur d’une ligne passant:
Sur mer: par Saint-Cyr-sur-Mer, Signes, Méounes, Solliès-Pont, Bormes.
Sur mer: par les points situés à 3 milles du Sud de la laisse de basse mer de Saint-Cyr-sur-Mer, de la pointe Sud des Embiez, du cap Sicié, du cap d’Armes, de la Gabinière (îlot de Port-Cros), du phare du Titan, par le phare du Titan et Bormes.
Bouches de Bonifacio: Zone délimitée comme suit:
Au Nord: une ligne joignant le cap Rocapina, à l’Ouest, à l’île Pinarella à l’Est.
Au Sud: une ligne joignant la côte à 6 milles de la laisse de basse mer entre les deux points précités, sauf dans les Bouches elles-mêmes où cette limite est la ligne de partage entre les eaux territoriales franco-italiennes.
La ligne de séparation des eaux situées entre la Corse et la Sardaigne est déterminée par les deux alignements suivants:
Le premier est déterminé par un pilier de maçonnerie, haut de 8 mètres, élevé sur la Guardia del Turco (île de Maddalena) et un autre pilier en maçonnerie, haut de 10 mètres, élevé sur les rochers de la pointe Sud de l’île Budelli.
Le second est défini par un pilier de 10 mètres élevé sur le rocher, à 500 mètres en avant du sémaphore de Contro-di-lo-Scalo, et un autre pilier de 12 mètres construit sur le rivage à proximité de la pointe de Marmorata.
Tous ces piliers sont peints en blanc.
Toutefois, le passage des aéronefs sera toléré dans la zone comprise entre la limite des eaux territoriales franco-italiennes et les deux lignes tracées à partir de l’écueil de Lavezzi vers le N 75 W (285) et le N 40 E (40).
Bizerte: Zone comprise:

Sur mer: à l’intérieur d’une ligne passant à 6 milles de la laisse de basse mer entre les points extrêmes de la zone terrestre interdite.

Frontière du Sud-Est

Zone délimitée par:
A l’Est, la frontière des Alpes.
Le quadrilatère déterminé par le Var, de son embouchure à la hauteur de Saint-Isidore, Saint-Isidore-la-Trinité, la Trinité, Beaulieu-sur-Mer, les eaux territoriales, reste accessible à la navigation aérienne.
A travers les Alpes, un seul passage est autorisé par les avions. Il suit la ligne brisée Chambéry, Modane, Lans-le-Bourg, et de cette commune, la route carrossable du Mont-Cenis jusqu’à la frontière.
Le passage dans les différents couloirs de franchissement délimité par le présent arrêté s’effectuera à l’altitude maximum de 1.000 mètres.
Germany (Federal Republic)

(a) Wreckage Act of 17 May 1874, \(^1\) as amended \(^2\)

CHAPTER I

Coastal authorities

Article 2. The organization of the coastal inspectorates and the delimitation of their areas of jurisdiction, the appointment of coastal inspectors, the relationship of receivers of wreck to the coastal inspectorates, the determination of the authorities exercising supervision over the coastal inspectorates and coastal inspectors, and the fixing of the remuneration of the coastal inspectors shall be matters within the jurisdiction of the various State Governments in accordance with their respective legislation.

The officer in charge of a coastal inspectorate may at the same time be appointed receiver of wreck for the whole or part of the district placed under his jurisdiction.

Article 3. General supervision over the administration of matters relating to wreckage shall be exercised by the Reich Government.

CHAPTER III

Jetsam, flotsam, lagan and derelict

Article 25. If navigation in a navigable channel or in a roadstead or harbour is impeded by a vessel or wreck which is adrift or has been stranded or sunk, or by an anchor or other object lying on the bottom, the authorities may cause such impediment to be removed.

Once the authorities have intervened and their action has been publicly notified or been brought to the notice of the persons concerned, the impediment may not be removed and nothing may be taken from the vessel or wreck without the approval of the authorities.

Article 45. In so far as the equipment used in the provision of seamarks, such as buoys, chains and other accessories, including unmanned lightships, is the property of the Reich, the Reich Government may prescribe as salvage charges the rates of remuneration fixed in advance for salvage operations, and in so far as such equipment is the property of a State, the State Government shall have the same prerogative. The said rates shall apply irrespective of whether the salvage is effected inside or outside German territorial waters or in the territory of one or other of the States. Any special provisions embodied in State treaties shall be applicable.

\(^1\) Reichsgesetzblatt No. 17 of 22 May 1874, pp. 73 et seq. Translation by the Secretariat of the United Nations.

Article 3. Customs border. (1) The customs border shall enclose the customs territory.
(2) Except as otherwise provided in paragraph (3), the customs border, except where it marks the limit of a customs-free area or includes a customs-enforcement area, shall coincide with the national frontier.
(3) The maritime customs border shall be the actual coastline. The Minister of Finance shall determine the maritime customs border at the mouths of rivers and of the fresh-water lakes known as Haffs and may determine deviations of the maritime customs border from the coastline.

Article 5 (1) Customs-free areas shall be:
1. Those portions of seaports that are excluded from the customs territory and are designated as free ports;
2. Those land areas excluded from the customs territory that are situated on the national frontier and outside the national territory;
3. Coastal waters (three-mile zone), except in so far as they are included in the customs territory (article 3, paragraph (3));
4. Inland waters (including islands lying therein) which are excluded from the customs territory, and roads running along the national frontier which are similarly excluded;
5. The island of Heligoland.
(2) The establishment of new, and the abolition of existing, customs-free areas other than those referred to in paragraph (1), items 3 and 4, shall require an Act of the Reich. The area of a free port may be altered by the Minister of Finance. The said minister may declare inland waters and roads running along the national frontier (paragraph (1), item 4) to be customs-free areas.
(3) Customs posts may be advanced into customs-free areas. The provisions of article 1, paragraph (3), shall apply as appropriate.

Article 14. Inspection on entry. (1) Vessels, vehicles, draught animals, saddle animals and beasts of burden shall be checked against the manifest in order to verify that all dutiable goods have been declared.
(2) Persons in charge of the means of transport concerned shall facilitate the inspection and shall afford assistance in accordance with official instructions. They shall voluntarily declare any secret containers. Persons in charge of vessels or vehicles shall produce on demand descriptions of the vessel or vehicle, inventories of equipment and spare parts and any other documents relating to the vessel or vehicle.
(3) Ships may not, prior to inspection, communicate with the land or with other vessels. Exceptions may be permitted by the Minister of Finance.

**Article 35. Restrictions on movement.** In coastal waters not included in the customs territory, and in inland waters along the national frontier excluded from the customs territory, the master of a ship shall stop or heave to on the instructions of a customs officer. The master shall allow customs officers to come on board and to leave the ship, examine the cargo manifests and customs-clearance certificates and inspect the ship.

**Article 36.** (1) The Minister of Finance may order that ships having dutiable goods on board may approach only to within a certain distance of the coast or river bank.

(2) It shall be unlawful in coastal waters not included in the customs territory or in inland waters excluded from the customs territory to sink or anchor dutiable goods, to allow them to drift or to deposit them on reefs, rocks or sandbanks. The requirements of fishing, oystercatching and the like shall not be affected by this provision.

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**Greece**

(a) **LAW NO. 4141 OF 26 MARCH 1913 CONCERNING PASSAGE AND SOJOURN OF MERCHANT VESSELS ALONG THE GREEK SHORES AND POLICING OF THE PORTS AND HARBOURS IN TIME OF WAR 1**

**Article 1.** The passage and sojourn of merchant vessels, Greek or foreign, may be prohibited at any time and in any area of Greek seas, whether closed or open, whenever the interests of national defence require such prohibition.

Especially in connexion with the application of this law, "Greek sea" means the maritime belt comprised from the shore to a distance of ten nautical miles. With regard to gulfs and bays, the entrance of which does not exceed in width twenty miles, the ten nautical miles belt shall be measured from a straight line drawn across the seaward limit of the gulf or bay.

**Article 2.** The areas in which passage and sojourn of merchant vessels are prohibited shall be determined by Royal Decrees always issued upon the advice of the Council of Ministers; under urgent circumstances, the areas shall be determined by Orders of the Minister (of Marine), which shall always be issued upon the advice of the Council of Ministers and shall be published in the *Official Journal*.

The above-mentioned Decrees and Orders of the Minister shall be posted in all the port offices and shall be communicated to the consuls of foreign States in the maritime towns.

(b) **LOI NO. 1165 DU 17 MARS/6 AVRIL 1918 (CODE DES DOUANES) 2**

**Article 85.** 1) Dans une zone située en mer à trois kilomètres des côtes, le personnel du service douanier et de la police, a le droit de visiter les navires d’un tonnage ne dépassant pas les 100 tonnes et de demander la présentation du manifeste de l’article 18, ainsi que des autres documents de navigation du navire.

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2 Le texte français de cette loi a été fourni par la Mission permanente de la Grèce auprès de l’Organisation des Nations Unies.
2) En cas de non présentation du manifeste et s’il ressort de documents 
du navire que celui-ci se dirige vers un port national, ou s’il existe des 
indices d’une infraction douanière quelconque, le navire est conduit à la 
douane la plus proche où les marchandises sont saisies et où un procès-
verbal relatif est dirigé.

3) Si les navires précités battent pavillon étranger, ils sont soumis aux 
dispositions des traités internationaux.

Guatemala

(a) ACT OF 10 JUNE 1934 FOR THE ADMINISTRATION AND CONTROL 
OF THE PORTS OF THE REPUBLIC

Chapter I. General Provisions

Article 1. In each legally appointed port there shall be a Port Authority, 
with jurisdiction extending over the territory of the municipality con-
cerned; if the port receives maritime or river traffic, the Port Authority shall 
have jurisdiction over all merchant and private vessels, whatever their 
nationality, which are anchored in the territorial waters; such waters shall 
be deemed to extend for twelve miles from the most salient point on the 
coast at low water, without prejudice to the provisions of the special treaties 
governing the bay of Puerto Barrios or Amatique. (Superseded by the 
enactment of 21 April 1939.)

(b) REGULATIONS GOVERNING THE ADMINISTRATION AND POLICE SUPER-
VISION OF THE PORTS OF THE REPUBLIC, 21 APRIL 1939

PART II. THE MARITIME SERVICE IN GENERAL

Chapter I. Port Authorities and their Jurisdiction

Article 1. In each port authorized by law, there shall be a Port Com-
mandant and Captain, whose jurisdiction shall extend to the territorial 
limits of the municipality; and whether the port be a river or a seaport, 
that jurisdiction shall cover all private or merchant vessels, of whatever 
nationality, which are anchored in territorial waters, the latter being 
considered to extend twelve miles off the coast measuring from low-water 
mark, or from the most salient point of the coast-line.

Honduras

(a) ACT OF 9 APRIL 1927 CONCERNING THE UTILIZATION OF TERRITORIAL 
AND INLAND WATERS

Article 8. The right to use the territorial sea, navigable rivers, lagoons, 
inlets, roads, bays and coves shall be freely exercisable for the purposes of

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1 Text provided by the Permanent Mission of Guatemala to the United 
2 Text of Regulation provided by the Permanent Mission of Guatemala to 
3 Text provided by the Secretary of State for External Relations of Honduras. 
Translation by the Secretariat of the United Nations.
shipping, fishing, embarking, disembarking, anchoring and other similar purposes in conformity with the legislative provisions governing such use.

The foregoing provision is also applicable to the use of the foreshore, all persons being authorized (any restrictions being applicable equally to all) to cross the same and to use it for the purposes of bathing, stretching and drying clothing and nets, beaching, careening and constructing boats, dipping livestock and gathering shells, plants, edible molluscs and like products.

Article 14. All persons are free to engage in fishing in waterways which are the property of the nation, on the condition that they comply with the laws and police regulations applicable specifically to fishing, and that they do not obstruct shipping and rafting.

(b) Decree No. 191 of 9 April 1935 concerning port administration and supervision regulations

Title I. Rules applicable inside and outside the port

Chapter I. Harbormasters

Article 1. The Executive Authority shall appoint at each port in Honduras a Chief Harbormaster (Comandante Principal y Capitán de Puerto) whose jurisdiction shall extend throughout the military district of which the port is the headquarters and seawards as far as the limit of Honduran territorial waters.

Chapter III. The Maritime Health Service

Article 7. Immediately upon its arrival at the entrance to a port, a vessel shall heave to and await the health inspection.

Article 8. Every merchant ship, whether of Honduran or foreign nationality, which arrives from a foreign country shall remain hove to, flying its national flag, until the health inspection has taken place and permission to enter port has been given.

Chapter IV. Inspections of Vessels

Article 45. Immediately after the Health Service representative has returned from his inspection of a vessel, it shall be visited by the Harbormaster or his executive officer, accompanied by the customs official concerned. The Harbormaster shall request the Captain to furnish particulars of the last sailing, the crew list, the passenger list, the watch bill, the ship's manifest relating to cargo for the port, the number of mail-bags, and information about the deaths, if any, which occurred on board during the voyage, with a view to establishing their causes. In the case of a merchant vessel which is armed, the Harbormaster shall also call for production of its authorization to carry armament.

1 Text provided by the Secretary of State for External Relations of Honduras. Translation by the Secretariat of the United Nations.
Chapter V. Foreign warships—admission to and presence in Honduran territorial waters and ports

Article 54. In time of peace, foreign warships may, when notice of their visit has been given through the diplomatic channel, enter Honduran territorial waters and sea-ports with facilities for foreign trade under an authorization which shall in each case be issued by the Ministry of War, Marine and Air and transmitted by the Ministry of Foreign Affairs to the Government concerned or to its accredited diplomatic representative in Honduras.

Not more than three warships of the same nationality shall be permitted to be present in Honduran territorial waters or ports at any one time.

Article 55. A foreign warship shall not be permitted to be present in Honduran territorial waters or ports for more than fifteen days except as specially authorized by the Executive, and it shall put to sea within six hours after the local authorities have directed it to do so, even if the period set for its visit has not yet expired.

Article 56. The provisions of the foregoing articles shall not apply:

1. To foreign warships whose visit has been authorized in exceptional circumstances;
2. To warships which are forced by distress, bad weather or other unforeseen circumstances to take shelter in Honduran waters or ports, for so long as such circumstances persist;
3. To warships carrying on board Chiefs of State, members of reigning dynasties or diplomatic officials accredited to the Government of Honduras.

Article 57. The Harbourmaster shall designate the anchorage at which a foreign warship may lie.

Article 58. Foreign warships entering Honduran territorial waters and ports shall be under a duty to observe the laws regulating public order, health and fiscal matters.

Article 59. A foreign warship for the time being present in Honduran waters shall in no circumstances whatsoever carry out topographical or hydrographical operations, study the defences or emplacements or the military or naval strength of Honduran ports, make sketches, take soundings or carry out work under water, with or without divers; nor shall such warship conduct landing, gunnery or torpedo exercises.

The number of men who may be permitted to land at any one time and the hours for landing and re-embarkation shall be determined by mutual agreement between the ship's commanding officer and the Harbourmaster.

Article 60. The death sentence shall not be carried out in a foreign warship so long as it is present in Honduran waters.

Article 63. If a foreign warship fails to observe the provisions of these Regulations, the local military authority shall in the first instance bring the breach to the commanding officer's attention and formally require him to observe the Regulations. If these representations should not be effective the Ministry of War, Marine and Air shall be informed accordingly. The Ministry may then order that the warship be directed to leave the port and Honduran territorial waters immediately.
Article 65. The admission to and presence in Honduran waters and ports of warships of belligerent States shall be governed by the relevant provisions of the Hague Convention (XIII); nevertheless, the Executive shall retain the power to impose special rules governing the admission of such ships, or to bar their admission temporarily, or even to prohibit their admission in any case in which, in the opinion of the Executive, it would be irreconcilable with the rights and duties attaching to neutrality to admit such ships.

Article 66. The admission to Honduran waters and ports of submarines of non-belligerent foreign States shall be governed by the provisions of these Regulations. Such submarines shall not be permitted to enter territorial waters unless they proceed on the surface and fly their national flags.

Article 67. If a state of war exists between two foreign Powers, the Executive shall be empowered to prohibit the entry, sailing or presence in Honduran territorial waters or ports of naval submarines of the belligerents; nevertheless, this prohibition may be waived in respect of a submarine which is forced to enter Honduran waters by reason of damage or heavy seas or for the purpose of saving human lives. In these circumstances, the submarine shall be required to proceed on the surface, fly its national flag and hoist the appropriate international signal to announce the purpose of its entry into territorial waters. It shall leave territorial waters as soon as this purpose has been achieved or as soon as directed to do so by the Executive.

Article 68. The provisions of these Regulations shall also apply to auxiliary naval vessels and transports and to seaplanes landing on Honduran coastal waters, rivers or lakes.

Chapter VI. Port regulations

Article 77. While a merchant vessel is in Honduran territorial waters, it shall be unlawful for its master to order any punishment on board other than penalties for breach of discipline or for insubordination. Within the territory of Honduras, the court of the particular district has exclusive competence to deal with cases relating to criminal offences committed on board a vessel, and to impose penalties.

Article 81. Every vessel at anchor in Honduran ports and territorial waters shall hoist its national flag if the Honduran flag is raised over the Harbourmaster's Office.

TITLE II. STATE OF WAR: WARSHIPS, TRUCE SHIPS AND ARMED MERCHANT VESSELS

Article 126. If it should happen that, while a state of war exists between nations with which Honduras maintains friendly relations and towards which Honduras has declared itself neutral, two or more mutually hostile ships are due to sail from any one port, roadstead or anchorage, the Harbourmaster shall warn the commanding officer of the warship or armed merchant vessel which is due to sail first that the vessel will not be permitted to slacken speed or stop while in Honduran waters, or to return to the place
of sailing within three days, except on account of bad weather or for urgent repairs.

Article 127. A warship or armed merchant vessel present for the time being in Honduran territorial waters shall conduct itself in conformity with the following rules:

1. It shall refrain from hostile action against any ships anchored in the port, including any warships or armed merchant ships of its enemy;
2. It shall not increase the number of its crew or recruit new members, even from among its own nationals;
3. It shall not increase the number of its guns, or replace them by others of larger calibre or take on board small arms and munitions of war;
4. It shall not lie in wait for the arrival and departure of enemy vessels in Honduran ports and territorial waters;
5. It shall not put to sea to pursue vessels announced by the port look-out;
6. It shall not leave the port or Honduran territorial waters until twenty-four hours have elapsed since the departure of an enemy vessel;
7. It shall not attempt by force or stratagem to secure the release of any prisoners of its own nationality who may be held at the place where it is lying;
8. It shall not trade in goods seized from the enemy;
9. It shall not signal to ships of its own nationality outside Honduran waters, by rocket, lamp or any other means, to inform them of the departure of enemy vessels. This provision shall also apply to consular officials and other nationals of the country concerned who are resident in the area.

Article 128. Notwithstanding the provisions of paragraphs 2 and 3 of the foregoing article, vessels of a belligerent nation shall be permitted, in conformity with the principle of exterritoriality, to go alongside one another for the purpose of transferring from one vessel to another such personnel, weapons and munitions of war as the latter vessel may require.

Article 129. If two mutually hostile warships or armed merchant vessels desire to put to sea, the vessel which arrived first shall have priority.

Article 135. It shall be absolutely unlawful for a warship of any kind to conclude contracts for the provision of warlike arms, munitions or supplies in Honduran territory or to take delivery of such provisions in Honduran territory, even if the nation to which it belongs uses its own supply services for the purpose.

Article 164. A foreign vessel whose master is not prepared to observe such of the provisions of these Regulations as apply to him shall be required to leave the port within a period which shall in no case exceed three hours; this provision shall not affect the liability of the vessel for the payment of any sums due in respect of duties, taxes or other charges.
(e) Congressional Decree No. 131 of 20 April 1925 (Smuggling and Customs Duty Evasion Act) ¹

Article 3. A person shall be liable for the criminal offence of smuggling if he:

(11) Sails, within one marine league of the Honduran coast, any Honduran or foreign vessel of light tonnage carrying goods which are prohibited or subject to a Government monopoly in Honduras, even if the cargo is consigned to a foreign port, this provision not to apply, however, in cases in which such vessel is compelled to put in to shore or, owing to damage, is rendered unfit for navigation; nevertheless, even in such exceptional circumstances, the cargo shall be deemed to be contraband if it is consigned to a person domiciled or resident in the Republic. For the purposes of this article, the expression "vessel of light tonnage" means any vessel of less than twenty tons, regardless of its description;

(12) Anchors any Honduran or foreign vessel of heavy tonnage, carrying goods which are subject to a Government monopoly or prohibited, in a harbour other than an authorized port or in a bay, creek or other indentation on the coast of the Republic, or stands off such places within two marine leagues from the Honduran coast, even if the cargo is consigned to a foreign port, this provision not to apply, however, in cases in which such vessel is compelled to put in to shore or, owing to damage, is rendered unfit for navigation; nevertheless, even in such exceptional circumstances, the cargo shall be deemed to be contraband if it is consigned to a person domiciled or resident in the Republic;

(13) Conceals, or fails to declare, when required to do so by the local authorities or by Treasury officers, any part of the cargo of a ship which is compelled to put in to a harbour other than an authorized port or in to a bay, creek or other indentation on the coast of the Republic; this provision shall apply to all vessels, regardless of capacity or flag.

Iceland

Act No. 33 of 9 January 1935 Governing Intoxicating Beverages ²

Article 5. It shall be unlawful for any person to receive any illegally imported intoxicating beverage of any description whatsoever from a vessel at any point on the coast or in the territorial waters of Iceland, or to receive an intoxicating beverage afloat, whether for payment or otherwise.

For the purposes of this Act, territorial waters are deemed to extend for four nautical miles to seaward from the low-water mark at spring tide, this distance being measured from the outermost rocks and islets projecting above the sea; and it is further provided that all that part of bays and inlets

¹ Text provided by the Secretary of State for External Relations of Honduras. Translation by the Secretariat of the United Nations.
² Lagasafn (1945), columns 2367 and 2368. Translation by the Secretariat of the United Nations.
lying to landward of a straight line, twelve nautical miles in length, drawn between headlands nearest to the mouth of the bay, and the area extending seaward for four miles from that line, shall be deemed to be within territorial waters.

**India**

(a) **INDIAN MERCHANT SHIPPING ACT, 1923**

**PART I. [INTRODUCTORY**

4. *Exemption of public ships.* This Act shall not, except where specially provided, apply to ships belonging to [the Government or] His Majesty... or to ships belonging to any foreign Prince or State... and employed otherwise than for profit in the public service of that Prince or State...

**PART IV. [UNBERTHED PASSENGER SHIPS] AND PILGRIM SHIPS**

147. *Application of Part.* [[(1) This Part applies —
(a) To all citizens of India wherever they may be; and
(b) To all Commonwealth citizens for the time being in India.]]

(2) But the provisions of this Part relating to [unberthed passenger ships] do not apply —

[(a) To any steam-ship not carrying more than sixty unberthed passengers;]

[(b) To any ship not intended to carry unberthed passengers to or from any port in [India]; or]

(c) To any ships to which the provisions of the Inland Steam Vessels Act, 1917 (I of 1917), are applicable.

(3) Notwithstanding anything in sub-sections (1) and (2), the [Central Government] may, . . . , declare all or any of the provisions of this Part relating to [unberthed passenger ships] to apply to sailing-ships, or any class of sailing-ships, [carrying more than fifteen unberthed passengers] and to steam-ships, or any class of steam-ships, [carrying more than thirty such passengers.]

152. *Power to enter on and inspect ship.* After receiving the notice, the officer or a person authorised by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores on board.

**PART V. SAFETY**

232. *Power to detain unsafe ship and procedure for detention.* (1) Where a British ship in any port to which the [Central Government] may specially extend this section is an unsafe ship, that is to say, is by reason of the defe-

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1 Text of Act provided by the Ministry for External Affairs of India.
tive condition of her hull, equipments or machinery, or by reason of over-
loading or improper loading, unfit to proceed to sea without serious danger
to human life, having regard to the nature of the service for which she is
intended, such ship may be provisionally detained for the purpose of being
surveyed and either finally detained or released . . .

Costs of detention and damages incidental thereto

238. Application to foreign ships of provisions as to detention. When a foreign
ship is in a port in [India] and is, whilst at that port, unsafe [by reason of
the defective condition of her hull, equipments or machinery, or] by reason
of overloading or improper loading, the provisions of this Part with respect
to the detention of ships shall apply to that foreign ship as if she were a
British ship with the following modifications, namely:

(i) A copy of the order for the provisional detention of the ship shall
forthwith be served on the consular officer for the country to which the
ship belongs at or nearest to the port in which such ship is detained;

(ii) The consular officer, at the request of the owner or master of the
ship, may require that the person appointed by the [Central Government]
to survey the ship shall be accompanied by such person as the consular
officer may select, and in that case, if the surveyor and that person agree,
the [Central Government] shall cause the ship to be detained or released
accordingly; but, if they differ, the [Central Government] may act as if
the requisition had not been made, and the owner and master shall have
the like appeal to a Court of Survey touching the report of the surveyor as
is hereinbefore provided in the case of a British ship; and

(iii) Where the owner or master of the ship appeals to the Court of
Survey, the consular officer, at his request, may appoint a competent person
to be assessor in the case in lieu of the assessor who, if the ship were a British
ship, would be appointed otherwise than by the [Central Government].

245 . . . M. Detention of foreign ships in cases not referred to in section 238.
Where any foreign ship is detained under this Part in any case to which the
provisions of section 238 do not apply, or where any proceedings are taken
under this Part against the master or owner of any such ship, notice shall
forthwith be served on the Consular Officer for the country to which the
ship belongs at or nearest to the port where the ship is for the time being,
and such notice shall specify the grounds on which the ship has been detained
or the proceedings have been taken.

(b) Indian Ports Act, 1908 ¹

CHAPTER I. PRELIMINARY

1. Title and extent—(1) This Act . . .

(2) It shall extend, save as otherwise appears from its subject or con-
text, —

(a) To the ports mentioned in the first schedule, and to such parts of
the navigable rivers and channels leading to such ports respectively as

¹ Text of Act provided by the Ministry for External Affairs of India.
have been declared to be subject to Act XXII of 1855 (for the Regulation of Ports and Port-dues) or to the Indian Ports Act, 1875 (XII of 1875), or to the Indian Ports Act, 1889 (X of 1889);

(b) To the other ports or parts of navigable rivers or channels to which the [Government], in exercise of the power hereinafter conferred, extends this Act.

2. Savings.—Nothing in this Act shall—

(i) Apply to any vessel belonging to, or in the service of, [the Central Government or a State Government]...

or to any vessel of war belonging to any Foreign Prince or State, ...

CHAPTER III. PORT-OFFICIALS AND THEIR POWERS AND DUTIES

7. Appointment of conservator.—The [Government] shall appoint some officer or body of persons to be conservator of every port subject to this Act.

15. Power to board vessels and enter buildings. (1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

and the person appointed under this Act to receive any port-dues, fees, or other charges, payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

17. Appointment and powers of health-officer. (1) The [Government] may appoint at any port subject to this Act an officer to be called the health-officer.

(2) A health-officer shall, subject to the control of the [Government], have the following powers, within the limits of the port for which he is appointed, namely:

(b) Power to enter on board any vessel and medically examine all or any of the seamen or apprentices on board the vessel;

CHAPTER V. PORT-DUES, FEES AND OTHER CHARGES

34. Variation of port-dues by Government. The [Government] may, [after consulting the authority appointed under section 36], exempt [subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels] entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or
any of them [or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues]:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

35. Fees for pilotage and certain other services. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the [Government] may direct:

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

[(3) The Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (1) or sub-section (2).]

36. Receipt, expenditure and account of port-charges. (1) The [Government] shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the [Government], to expend the receipts on any of the objects authorized by this Act.

48. Port-due not to be chargeable in certain cases. No port-due shall be chargeable in respect of—

(a) Any pleasure yacht, or
(b) Any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or
(c) Any vessel which, having entered [any port in the State of Madras or in the State of Andhra or the Port of Gopalpur in the State of Orissa], leaves it within forty-eight hours without discharge or taking in any passengers or cargo.

CHAPTER VIII. SUPPLEMENTAL PROVISIONS

[68C. Application of certain provisions of the Act to aircraft.]

(1) The provisions of sections 6, 13 to 16 (both inclusive), 18, 21 and 28 sub-section (2) of section 31 and sections 33, 34, 35, 39, 42 to 48 (both inclusive) and 55 shall apply in relation to all aircraft making use of any port subject to this Act, while on water as they apply in relation to vessels.

(2) No such aircraft shall enter or leave any port subject to this Act, except with the permission granted by the Conservator of the Port or by such other officer as may be authorised in this behalf by the Conservator.

(c) Sea Customs Act, 1878 ¹

CHAPTER VII. ARRIVAL AND DEPARTURE OF VESSELS

Arrival and Entry of Vessels inwards

53. The [Chief Customs-authority] may, by notification in the... Official Gazette, fix a place in any river or port, beyond which no vessel

¹ Text of Act provided by the Ministry for External Affairs of India.
arriving shall pass until a manifest has been delivered to the pilot, officer of Customs or other person duly authorized to receive the same.

CHAPTER VIII. GENERAL PROVISIONS AFFECTING VESSELS IN PORT

67. The Customs-collector at any customs-port may at any time depute at his discretion one or more officers of Customs to board any vessel in or arriving at such port.

Every officer of Customs so sent shall remain on board of such vessel by day and by night unless or until the Customs-collector otherwise orders.

68. Whenever an officer of Customs is so deputed on board of any vessel, the master of such vessel shall be bound to receive on board such officer, and one servant of such officer, and to provide such officer and servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board.

71. When an officer of Customs is deputed under section 67 to remain on board a vessel the tonnage of which does not exceed six hundred tons, a period of thirty working days, reckoned from the date on which he boards such vessel or such additional period as the Customs-collector directs, shall be allowed for the discharge of import-cargo and the shipment of export cargo on board of such vessel.

One additional day shall, in like manner, be allowed for every fifty tons in excess of six hundred.

No charge shall be made for the services of a single officer of Customs for such allowed number of working days, or for the services of several such officers (if available) for respective periods not exceeding in the aggregate such allowed number of working days.

If the period occupied in the discharge and shipment of cargo be in excess of thirty working days, together with the additional period (if any) allowed under this section, the vessel shall be charged with the expense of the officer of Customs at a rate not exceeding five rupees per diem (Sundays and holidays excepted) for such excess period.

In calculating any period allowed, or any charge made under this section, the period (if any) during which a vessel, after the completion of the discharge of import-cargo, and before commencing the shipment of export-cargo, is laid up by the withdrawal of the officer of Customs, upon application from the master, shall be deducted.

CHAPTER XVII. PROCEDURE RELATING TO OFFENCES, APPEALS, ETC.

169. Any officer of Customs duly employed in the prevention of smuggling may search any person on board of any vessel in any port in India or any person who has landed from any vessel:

Provided that such officer has reason to believe that such person has dutiable or prohibited goods secreted about his person.

170 A. (1) Where any officer of Customs duly employed in the prevention of smuggling has reason to believe that any person on board of any
vessel in any port in India or any person who has landed from any vessel has any dutiable, or prohibited goods secreted inside his body, such officer of Customs may detain such person and produce him without unnecessary delay before the nearest Magistrate.

171. Any duly empowered officer of Customs or other person duly employed for the prevention of smuggling, may stop and search for smuggled goods any vessel, cart or other means of conveyance: provided that he has reason to believe that smuggled goods are contained therein.

173. Any person against whom a reasonable suspicion exists that he has been guilty of an offence under this Act may be arrested in any place, either upon land or water, by any officer of Customs or other person duly employed for the prevention of smuggling.

**Iran**

(a) Loi du 24 Tir 1313 (19 juillet 1934) relative à la limite des eaux territoriales et à la zone de surveillance et de contrôle, article 1 (supra, chapitre I, Iran (a)).

(b) Loi du 19 juin 1955 relative à l'exploration et à l'exploitation du plateau continental de l'Iran, article 5 (supra, chapitre I, Iran (b)).

**Israel**

1. These Regulations shall be read and construed as one with the Defence (Emergency) Regulations, 1945, hereinafter referred to as "the principal Regulations".

2. The principal Regulations shall be amended by the insertion therein, immediately after Regulation 138 thereof, of the following Regulations, as Regulations 138A:

138A—(i) The Ports Authority as defined in the Ports Ordinance may prohibit any vessel from entering any port, any part of a port or any portion of the territorial waters of Palestine.

(ii) The Ports Authority as defined in the Ports Ordinance may direct the master or any person in charge of or manning a vessel within the territorial waters of Palestine to proceed to any port, or to any anchorage or berth within any port of Palestine, and may give directions as to the manner in and the time at which he shall proceed with his vessel to, or approach, lie along-side, or depart from, any vessel, pier, quay, jetty or other place

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1 In connexion with this Chapter, see: Reply of 24 January 1950 from the Ministry for Foreign Affairs of Israel to questionnaires of the International Law Commission (Document A/CN.4/19, paragraphs 41a, 47 and 48).

to which he shall proceed with his vessel for the purpose of embarking or disembarking passengers, or loading or unloading goods; as to the nature of the goods that he shall load or unload at or alongside the vessel, pier, quay, jetty, or as to the mode of embarkation upon or disembarkation from any vessel of passengers or goods.

The Ports Authority may also direct the master or any person in charge of or manning a vessel within the territorial waters of Palestine to re-load any goods which have been unloaded in Palestine or the territorial waters thereof, and which, in the opinion of the Ports Authority, should not have been so unloaded, or may direct the master or other person aforesaid not to unload any goods in Palestine or the territorial waters thereof, or may direct the master or other person aforesaid forthwith to take the vessel out of the territorial waters of Palestine and direct the route by which he is to do so.

(iii) The master or person in charge of any vessel which contravenes any prohibition made under sub-regulation (i) of this Regulation, and the master or any person in charge of or manning a vessel, who fails to obey any direction given under sub-regulation (ii) of this Regulation shall be guilty of an offence against this Regulation and shall be liable to imprisonment for a term not exceeding eight years or to a fine not exceeding two thousand pounds or to both such penalties.

(b) Emergency Regulations (Foreign Travel) (Extension of Validity) Ordinance, 1948

Emergency Regulations (Foreign Travel)

5. No person shall sail at large in the territorial waters of the State of Israel save under a general or special licence issued by a competent authority.

6. Any immigration officer or police officer may, at any time, board any ship, boat or other vessel, as well as any aircraft and any train, motorbus, car or other vehicle, and detain or question any person if there is reason to believe that he has contravened or is attempting to contravene any of these Regulations.

7. These Regulations shall not apply to —
   (a) A person enjoying diplomatic immunity, including a representative of the United Nations;
   (b) A person belonging to the regular consular service of a foreign state;
   (c) A person in possession of a diplomatic passport or a service passport of the State of Israel.

1 Published in Iton Rishmi No. 33 of the 17th Cheshvan, 5709 (19th November, 1948); Laws of the State of Israel, Vol. II, 5709-1948/49, p. 16; provided by the Ministry of Foreign Affairs of Israel.
9. Any criminal action under these Regulations shall be heard by a Magistrate's Court.

(c) Oil in Navigable Waters Ordinance, 1936

2. (2) The waters to which this Ordinance applies are the territorial and inland waters of Palestine.

3. If any oil is discharged, or allowed to escape, whether directly or indirectly, into any waters to which this Ordinance applies from any vessel or hulk or from any place on land or from any apparatus used for the purpose of transferring oil from or to any vessel or hulk, to or from any other vessel or hulk, or to or from any place on land, the owner or master of the vessel or hulk from which the oil is discharged or allowed to escape, the occupier of the land, or the person having charge of the apparatus, as the case may be, shall be guilty of an offence and shall, in respect of each offence, be liable on conviction to a fine not exceeding one hundred pounds:

Provided that it shall be a good defence to proceedings for an offence under this section to prove:

(a) If the proceedings are against the owner or master of a vessel or hulk, that the escape of oil was due to, or that it was necessary to discharge the oil by reason of, the vessel or hulk being in collision or the happening to the vessel or hulk of some damage or accident, and also, if the proceedings are in respect of an escape of oil, that all reasonable means were taken by the master to prevent the escape; and

(b) If the proceedings are against any other person and are in respect of an escape of oil, that all reasonable means were taken by that person to prevent the escape.

4. (1) It shall not be lawful during the hours between sunset and sunrise to transfer any oil to or from any vessel or hulk lying in the waters to which this Ordinance applies unless application in writing for permission so to do has been made in accordance with the provisions of this section and written permission for such transfer has been obtained from the Officer in charge of the Port.

(d) Wrecks and Salvage Ordinance, 16 March 1926

2. In this Ordinance, unless the context otherwise requires—“salvage” includes all expenses properly incurred by the salvor in the performance of salvage services;

“waters of Palestine” means the territorial waters of Palestine, the navigable inland waters, the seashore and the banks of navigable inland waters;

“wreck” includes the following objects found in the waters of Palestine—

(a) Goods which have been cast into the sea and remain under water;

Goods which have been cast or fall into the sea and remain floating on the surface;
Goods which are sunk in the sea but are attached to a floating object in order that they may be found again;
Goods which are thrown away or abandoned and ships abandoned without hope or intention of recovery.

**Vessels in Distress**

4. (1) Whenever any vessel is wrecked, stranded or in distress in the waters of Palestine, an assistant receiver shall, upon being made acquainted with the circumstances, forthwith proceed there and, upon his arrival, shall take the command of all persons present and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and the lives of the persons belonging to the vessel (hereinafter referred to as “shipwrecked persons”) and the cargo and apparel of the vessel:

Provided that the assistant receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested so to do by the master.

(2) Any person who wilfully disobeys the direction of the assistant receiver is guilty of an offence and is liable to a fine of fifty pounds.

7. (1) Whenever any vessel is wrecked, stranded or in distress within the waters of Palestine and any person plunders, creates disorder or obstructs the preservation of the vessel or of the shipwrecked persons or wreck, the assistant receiver may cause such person to be apprehended and kept in custody until he can conveniently be taken before a competent authority and may use force for the suppression of any such plundering, disorder or obstruction and may command all persons present to assist him in the use of such force.

(2) If any person is killed or injured by reason of his resisting the assistant receiver or any person acting under his orders in the execution of his duties, neither the assistant receiver nor the person acting under his orders shall be liable to any punishment or to pay any damages by reason of the person being so killed or injured.

8. (1) Where any ship is, or has been, in distress or is lost, abandoned or materially damaged in the waters of Palestine, an assistant receiver may, as soon as conveniently may be, examine on oath, which oath he is hereby empowered to administer, any person belonging to the ship or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters —

(a) The name and description of the ship;
(b) The names of the master and of the owners;
(c) The names of the owners of the cargo;
(d) The ports from and to which the ship was bound;
(e) The occasion of the distress of the ship;
(f) The services rendered;
(g) Such other matters or circumstances relating to the ship or to the cargo on board the ship as the assistant receiver thinks necessary.
(2) The assistant receiver shall take the examination down in writing and shall make a report upon the nature and causes of the loss, damage or casualty and shall forward a copy of the evidence and report signed by him to the Chief Secretary who shall, in turn, forward a copy of the evidence to the Secretary for managing the affairs of Lloyds in England and a copy of the evidence and report to the Board of Trade in England.

(3) For the purpose of such examination, an assistant receiver shall have all the powers of a Commission of Enquiry specified in section 5 of the Commissions of Enquiry Ordinance; and the proceedings shall be deemed to be judicial proceedings within the meaning of sections 78 to 86 of the Criminal Law Amendment Ordinance.

(4) An assistant receiver shall be further entitled to go on board any ship and inspect it or any part thereof and the equipment or articles on board thereof, not unnecessarily detaining or delaying the ship from proceeding on any voyage.

10. (1) Where a vessel is wrecked, stranded or in distress in the waters of Palestine, any cargo or other articles belonging to, or separated from, the vessel, which may be washed on shore or otherwise lost or taken from the vessel, shall be delivered to an assistant receiver.

(2) Any person, whether the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver it to an assistant receiver or any person authorised by him to demand it, is guilty of an offence and is liable to a fine of one hundred pounds.

(3) An assistant receiver or any person so authorized may take any such cargo or article by force from the person so refusing to deliver such cargo or article.

Offences in respect of Wreck

16. If any person takes into any foreign port any vessel stranded, derelict or otherwise in distress, found in the waters of Palestine, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found in the waters of Palestine, and there sells the same, he is guilty of an offence and is liable to imprisonment for three years.

17. (1) Any person, other than an assistant receiver or a person lawfully acting for or under the orders of an assistant receiver, who shall, without the leave of the master, board or endeavour to board, any vessel which is wrecked, stranded or in distress, is guilty of an offence and is liable to a fine of fifty pounds and the master of the vessel may repel him by force.

(2) Any person who —

(a) Impedes or hinders, or endeavours in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded or otherwise in distress in the waters of Palestine or of any part of the cargo or apparel thereof or of any wreck,

(b) Secretes any wreck or defaces or obliterates any marks thereon, or

(c) Wrongfully carries away or removes any part of a vessel stranded or in danger of being stranded or otherwise in distress in the waters of Palestine, or any part of the cargo or apparel thereof, or any wreck, is guilty of an offence and is liable to a fine of fifty pounds which may be
inflicted in addition to any other punishment to which the offender may be liable by law.

Salvage

19. (1) Where any services are rendered wholly or in part within the waters of Palestine in saving life from any vessel, or in assisting any vessel which is wrecked, stranded or in distress, or saving the cargo or apparel of that vessel, or any part thereof, and where services are rendered by any person, other than the receiver or assistant receiver, in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel or wreck, a reasonable amount of salvage to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life of any person belonging to the vessel shall be payable by the owner of the vessel in priority to all other claims for salvage payable by him.

24. (1) The Government of Palestine shall be entitled to claim and to receive and shall be liable to pay salvage for services rendered in the waters of Palestine by or to any vessel belonging to the Government to the same extent as the owner of a vessel.

(2) Claims for salvage made by or against the Government shall be made and prosecuted by or against the Attorney General on behalf of the Government in the like manner as claims are made and prosecuted by or against the owner of a vessel:

Provided that no vessel belonging to the Government shall be detained or arrested nor shall the Government or the Attorney General be required to give any security.

Miscellaneous

27. Whenever any articles belonging to, or forming part of, any foreign ship which has been wrecked on or near the coast of Palestine or belonging to, or forming part of, the cargo thereof, are found on or near such coasts or are brought into any port of Palestine, the consul of the country to which such ship, or in the case of cargo, the consul of the country to which the owners of such cargo, may have belonged, or any consular officer of such country authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed the agent of the owner, so far as it relates to the custody and disposal of such articles.

(e) Post Office Ordinance, 7 August 1930

PART VI. TELEGRAPHS

55. (1) Every vessel shall be so navigated by the master thereof that neither the vessel nor her anchor or other gear shall injure or endanger any telegraph lying under any of the territorial waters of Palestine.

(2) In case of default the owner or master of a vessel is guilty of an offence and is liable to a fine of fifty pounds and to pay the costs of repairing any telegraph injured by reason of the vessel being navigated in contravention of this section.

(f) **Emergency Regulations (Ma'Pilim Ships)**

(Extension of Validity) Ordinance, 1948

SCHEDULE

Emergency Regulations (Ma'Pilim Ships)

1. In these Regulations—
   "ship" includes any part of a ship and its accessories; "ma'pilim ship" means any ship in which immigrants came to Palestine without immigration certificates of the Mandatory Government and which reached the waters of Palestine by the 6th Iyar, 5708 (15th May, 1948) and has ever since that day been in the waters of the State of Israel; "waters of the State of Israel" include the territorial waters of the State and every port in it.

2. The Minister of Communications may, by notice in Iton Rishmi, declare any ship mentioned in the notice to be a ma'pilim ship, and the notice shall be conclusive evidence of its contents.

3. The Minister of Communications may appoint a person to be Controller of Ma'pilim Ships (hereinafter referred to as "the Controller"). The appointment shall be published in Iton Rishmi.

4. (a) (1) The Controller shall, either himself or through another person to be appointed for this purpose, inspect every ma'pilim ship;
   (2) If after inspecting a ma'pilim ship the Controller is of the opinion that it constitutes a danger or obstruction to ships or other vessels which are or may be near it, or to the movement of such ships or vessels, he shall declare it to be an obstructing ship.

(b) Any declaration of a ma'pilim ship as an obstructing ship shall be published by a notice in Iton Rishmi and by a notice posted up in a conspicuous position at the customs-house nearest to the place where the ship is situated. The notices shall describe the obstructing ship to an extent sufficient to identify it. The day of publication of the notice in Iton Rishmi shall be deemed to be the day of the declaration.

(c) As from the day of the declaration, the obstructing ship shall be in the possession and charge and under control of the Controller.

(g) **Customs Ordinance, 15 March 1929, as amended**

PART I. PRELIMINARY

2. In this Ordinance and in all customs Ordinances, unless the context otherwise requires—

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1 Published in Official Gazette No. 36 of the 8th Kislev, 5709 (10th December, 1948); Laws of the State of Israel, Vol. II, 5709-1948/49, p. 46; provided by the Ministry of Foreign Affairs of Israel.

PART IV. THE IMPORTATION OF GOODS

Importation of goods by sea

48. For the purpose of securing the due importation of goods by sea —
   (a) The ship may be boarded;
   (b) The cargo shall be reported;
   (c) The goods manifested for discharge shall be unshipped or unloaded and may be examined.

49. The master of a ship shall not suffer his ship to enter any place other than a port or approved place unless from stress of weather or other reasonable cause.

50. The master of every ship arriving within the territorial waters of Palestine shall bring his ship to for boarding on being approached by, or hailed or signalled from, any vessel in the service of the Customs having hoisted the Customs flag, or from any vessel in the service of the Government of Palestine or of His Majesty, having hoisted the proper ensign and pennant.

51. The master of every ship from a foreign country bound to, or calling at, any port shall bring his ship to for boarding at the boarding station appointed for that port.

52. The master of every ship bringing to for boarding shall by all reasonable means facilitate boarding by the officer.

The unshipment, landing, examination and entry, of goods

61. The bulk cargo of a ship arriving within the territorial waters of Palestine shall not be broken, except with the permission of the collector or as regards goods for which entry has been passed.

PART XII. OFFICERS

Powers of Officers

170. The commander or officer in charge of any ship or boat in His Majesty's service or in the service of the Customs, such ship or boat having hoisted and carrying the proper ensign or customs flag, may pursue any ship within the territorial waters of Palestine which does not bring to when lawfully signalled or required to do so and may, after having fired a gun as a signal, fire at or into such ship to compel her to bring to.

171 (1) Any officer, as defined in the last preceding section, may require the master of any ship hovering within the territorial waters of Palestine to depart and, if such ship shall fail to depart forthwith, may board and bring such ship into port and search her.

(2) The collector may examine all persons on board of such ship, and they shall each thereupon answer questions relating to the ship and her cargo, crew, stores and voyage and produce documents relating to the ship and her cargo.
PART XIII. FORFEITURES AND PENALTIES

Forfeitures

202. (1) The following ships or boats, not exceeding two hundred and fifty tons registered tonnage, shall be forfeited to the Government of Palestine —

(a) Any ship or boat used in smuggling or knowingly used in the unlawful conveyance of any smuggled or forfeited goods;

(b) Any ship or boat found within the territorial waters of Palestine failing to bring to for boarding upon being lawfully required to do so;

(c) Any ship or boat hovering within the territorial waters of Palestine and not departing forthwith after being required to depart by the commander or officer in charge of any ship or boat in His Majesty's service or by an officer;

(d) Any ship or boat from which any goods are thrown overboard, staved or destroyed to prevent seizure by the Customs;

(e) any ship or boat found within any port with cargo on board and afterwards found light or in ballast or with the cargo deficient and the master of which is unable to account lawfully for the difference;

(f) Any ship or boat within the territorial waters of Palestine having false bulkheads, false bows, sides or bottoms, or any secret or disguised place adapted for the purpose of concealing goods, or having any hole, pipe or other device adapted for the purpose of running goods.

(h) SALT ORDINANCE, 16 November 1925

2. In this Ordinance, unless the context otherwise requires —

“contraband” in relation to salt means —

(a) Any salt brought within territorial waters except under a licence to import;

8. Any officer of Customs and Excise or any police officer may at any time without a warrant —

(d) Board and search in a port, or within territorial waters, or in inland waters, any vessel suspected of carrying salt with the intention of smuggling;

(i) TOBACCO ORDINANCE, 1 May 1925

15. (1) Tobacco shall be imported only at prescribed ports or places of entry.

1 Ibid., vol. II, p. 1309.
2 Ibid., p. 1418.
16. Save as hereinafter provided, tobacco shall not be brought within
territorial waters nor carried coastwise in vessels of under sixty tons register.

Offences and Penalties

37. For the purpose of this Ordinance, tobacco shall be contraband in
the following cases:

(c) Manufactured or unmanufactured tobacco brought within terri-
torial waters or carried coastwise in vessels of under sixty tons register;

38. (1) Contraband tobacco shall be confiscated.
(2) Any person who is found in possession of contraband tobacco is
liable of an offence and is liable to a fine of not less than one pound and
not more than three pounds for every kilogramme of such tobacco or part
thereof in his possession: in the case of a second or subsequent offence he is
liable in addition to imprisonment for six months: further, any vessel not
exceeding two hundred and fifty tons register or any means of conveyance
made use of in the importation, removal or transport of such tobacco may
be seized or detained in any place by an officer of the Customs or any
police officer and may be confiscated by order of the court:
Provided that the owner of a vessel exceeding two hundred and fifty
tons register which would be liable to be confiscated if the vessel were less
than two hundred and fifty tons shall be liable to a penalty of one thousand
pounds, and the vessel may be detained until the penalty is paid or security
is given for payment.
(3) If, in any prosecution in respect of any tobacco seized as contraband,
a dispute shall arise as to whether the tobacco has been lawfully stored,
manufactured, carried, imported or possessed, the burden of proof thereof
shall be upon the defendant.

(j) PORTLAND CEMENT ORDINANCE, 1944

2. In this Ordinance, unless the context otherwise requires—"cement"
means Portland cement;
"contraband" in relation to cement means —
(a) Any cement brought within territorial waters except under a licence
to import;
(b) Any cement imported, or in process of importation, into Palestine
except under a licence to import and at a prescribed place of entry;
(c) Any cement in respect of which the excise or import duty has not
been paid;
(d) Any cement in the possession of any person which has been obtained
contrary to the provisions of this Ordinance;

I, 1944, pp. 39 et seq.
(d) Board and search in a port, or within territorial waters, or in inland waters, any vessel suspected of carrying cement with the intention of smuggling;

9... (4) Any person who is found in possession of contraband cement is guilty of an offence and is liable, if the amount of such cement found in his possession be less than fifty kilogrammes, to a fine of one hundred mils for every kilogramme and, if the amount of such cement be fifty kilogrammes or more, to a fine of five hundred mils for every kilogramme: in the case of a second or subsequent offence, he is liable, in addition, to imprisonment for one year.


Italy

(a) Navigation Code of 30 March 1942

PRELIMINARY PROVISIONS

Article 2. Territorial Sea. Any gulf, inlet or bay the coasts of which from part of the territory of the Kingdom shall be subject to the sovereignty of the State if the distance between the outermost points of the opening of the gulf, inlet or bay in question does not exceed twenty nautical miles. If such distance exceeds twenty nautical miles, then the portion of the gulf, inlet or bay enclosed within a straight line drawn between the two points lying furthest to seaward which are separated by a distance of twenty nautical miles shall be subject to the sovereignty of the State.

In addition, a zone of the sea extending six nautical miles from the coasts of the mainland and of the islands of the kingdom, and from the straight lines joining the outermost points referred to in the preceding paragraph, shall be subject to the sovereignty of the State. The said six-mile distance shall be measured from the coastline constituted by the low-water mark.

The foregoing provisions shall not affect any provisions laid down for specific purposes by statute, regulations or international conventions.

Article 3. Air space subject to the sovereignty of the State. The air space over the territory and territorial sea of the Kingdom shall be subject to the sovereignty of the State.

PART I. MARITIME AND INLAND WATER NAVIGATION

BOOK I. ADMINISTRATIVE RULES CONCERNING NAVIGATION

Title II. State Property Made Available for the Use of Shipping

Chapter 1. State maritime domain

Article 28. Property pertaining to the State maritime domain. The State maritime domain shall comprise:

(a) The foreshore and beaches, harbours and roadsteads;
(b) Lagoons, the mouths of rivers flowing into the sea, and basins of salt water or brine that communicate freely with the sea for at least part of the year;
(c) Canals available for use by the public for shipping purposes.

Article 29. Appurtenances of the State maritime domain. Buildings and other structures belonging to the State and situated within the limits of the State maritime domain or within the territorial sea shall be deemed to be appurtenances of that domain.

Article 30. Use of the State maritime domain. The Mercantile Marine Administration shall lay down regulations governing the use of the State maritime domain and shall supervise the observance of the said regulations.

Title III. Administration and Policing of Ports, and Services in Ports

Chapter 1. Administration and policing of ports

Article 73. Removal of submerged vessels and aircraft. If a vessel or an aircraft is submerged in a harbour, roadstead or canal, or at any place within the limits of the territorial sea where, in the opinion of the maritime authorities, it could endanger or obstruct shipping, then the chief of the district shall, in the manner laid down by the relevant regulations, order the owner to cause the wreck to be removed at his own expense, and shall prescribe a time-limit within which such removal must be effected.

If the owner fails to comply with the aforesaid order within the prescribed time limit, the said authorities, acting on their own initiative, shall cause the wreck to be removed and sold for the account of the State. If, in the case of a vessel exceeding 300 gross register tons, the proceeds of the sale are not sufficient to cover the cost, the owner shall be liable to the State for the difference.

If the proceeds of the sale of the wreck exceed the expenses incurred by the State, persons holding liens or mortgages over the vessel shall be entitled to share in the difference.

In urgent cases, the authorities may act on their own initiative and without notice; such action shall be deemed to be carried out on behalf of the owner, who shall be answerable for all expenses. In the case, however, of a vessel not exceeding 300 gross register tons, the owner's liability shall be limited to payment of such removal costs as do not exceed the value of the wreckage recovered.
Article 82. Disturbances in ports and on board vessel. If events capable of disturbing public order take place in a port or elsewhere within the State maritime domain or on board a vessel lying in port or navigating in the territorial sea, the public security authorities which are dealing with the matter shall forthwith notify the maritime authority.

If the public security authorities are unable to intervene in time, and urgent action is called for, the local maritime authority shall take steps to restore order, requesting, if necessary, the assistance of the police forces or, failing them, of the armed forces; it shall forthwith report the occurrence to the public security authority and, in the case of a foreign vessel, to the consular authority of the State whose flag the vessel flies.

Article 83. Prohibited areas. The Minister of Communication may, in the interest of public order, prohibit merchant vessels from passing through or stopping in the territorial sea, or place restriction on their doing so, specifying the areas to which the measure applies.

Title VI. The Policing of Navigation

Chapter 3. Regulations applicable to vessels at sea

Article 200. Supervision exercised by warships. Supervision over Italian merchant vessels on the high seas, in the territorial sea, and in foreign ports where there is no consular authority, shall be exercised by Italian warships. The commanding officer of a warship may, for this purpose, require a merchant vessel to supply information of any kind and may search such vessel and examine its papers; if any serious irregularity is discovered, he may order the vessel in question to be escorted to a port of the State, or to the nearest foreign port where there is a resident consular authority, so that appropriate action may be taken.

At ports where there is a resident consular authority, Italian warships shall exercise supervision as aforesaid at the request of such authority.

Article 201. Investigation of flag. An Italian merchant vessel shall stop if ordered to do so by a warship of a friendly Power, and shall on request produce evidence of its nationality.

Article 202. Vessels suspected of engaging in the slave trade. An Italian warship which, on the high seas or even in the territorial sea of a foreign country, meets an Italian vessel suspected of engaging in the slave trade, may seize such vessel, escort it to a port of the State or to the nearest foreign port where there is a resident consular authority.

Title VIII. Special Provisions

Chapter 2. Sea fishing

Article 219. Sea fishing. The term "sea fishing" shall be construed to mean not only fishing carried on at sea but also fishing within the limits of the State maritime domain.

Article 220. Categories of fishing. Fishing shall be classified, in accordance with criteria laid down in the relevant regulations, as coastal fishing, Mediterranean fishing, and fishing beyond the Straits.
Article 221 Fishing reserved for nationals. Except as otherwise specifically provided by international agreement, fishing in the territorial sea shall be reserved for Italian nationals and for Italian fishing vessels. Nationals and vessels of States with which no such agreement exists may, however, be authorized by Royal Decree to engage in fishing in the territorial sea.

BOOK IV. PROCEDURAL PROVISIONS

Title I. Preliminary Investigation

Article 578. Summary inquiry. If notice is received of a disaster, the maritime or consular authorities shall conduct a summary investigation into its causes and the circumstances in which it occurred, and shall take all appropriate steps to prevent the dispersal of objects and data which can be subsequently useful as evidence.

The authorities of the place where the vessel or the survivors of the disaster first arrive, or, if the vessel is lost and all persons on board have perished, the authorities of the place where notice of the occurrence is first received, shall be competent to conduct this investigation.

In places where there is no maritime authority, the initial investigation shall be conducted, and the necessary steps taken, by the Customs authorities, which shall notify the nearest maritime authority forthwith.

An official record shall be drawn up of the facts ascertained, the steps taken to preserve evidence of what occurred, and the inquiries made; the investigating authorities shall, if not competent to order a formal inquiry, transmit a copy of the said record to the authority having such competence.

Article 579. Formal inquiry. A formal investigation into the causes of the disaster, and into the liability of the several parties, shall be ordered by the competent Maritime Director or consular authority if the persons concerned or the trade associations representing them so request. Even in the absence of any such request, an investigation shall be ordered ex officio if, in the light of the official records of the summary inquiry or other reliable information, there is reason to suppose that the disaster is attributable to a wrongful act or to culpable negligence.

If the competent authorities decide that no such ex officio inquiry should be ordered, a statement to that effect, setting out the reasons therefore, shall be appended to the official record of the summary inquiry and the authorities in question shall transmit the said record to the Minister of Communications.

A formal inquiry may be ordered even if the disaster involves a vessel sailing under a foreign flag.

Article 580. Competent authority. Competence shall be determined by reference to the place of the disaster if it occurred in the territorial sea and, in all other cases, by reference to the place where the damaged vessel or the majority of the survivors of the disaster arrive.

If the vessel is lost and all persons on board have perished, or if the consular authority transmits the official record of the summary inquiry, with the statement that a commission of inquiry cannot be set up, then the Minister of Communications shall designate the competent commission.

The said Minister may entrust the formal inquiry to a special commission.
He may also order the review of any inquiry conducted in accordance with the normal procedure.

Article 581. Inquiry procedure. Formal inquiries shall be conducted by a commission of inquiry set up in the manner prescribed by the relevant regulations at the seat of the maritime or consular authority having power to order an inquiry, a representative of that authority to act as chairman.

The commission of inquiry shall investigate the causes of the disaster and ascertain the liability of the several parties. For this purpose, it may proceed to the site of the disaster, hear witnesses and in general employ any suitable means of investigation.

The operator and the owner of the vessel, the members of the crew, the insurers, any person alleging personal injury or other damage in consequence of the disaster or his successors in interest, and in general any person having an interest in the vessel or in its cargo may be present or cause himself to be presented at the inquiry proceedings and be heard in the presence of persons summoned to give evidence.

If the vessel involved in the disaster sails under a foreign flag and the disaster occurred in the territorial sea, the commission of inquiry may examine the crew, in which event it shall notify the competent consular authority accordingly.

The commission shall prepare a report of the steps it has taken and of the conclusions which it has reached concerning the causes of the disaster and the liability of the several parties in respect thereof; it shall submit the said report, together with the official records, to the authority which ordered the formal inquiry.

Article 582. Probative value of the report of the inquiry. In judicial proceedings relating to disasters at sea, the facts as set forth in the report of a formal inquiry shall be considered as established; it shall, however, be open to any interested party, to produce evidence in rebuttal.

Title II. Litigation in Maritime Matters

Chapter 2. Litigation concerning disasters at sea

Section I. Jurisdiction

Article 589. Jurisdiction as determined by the subject matter of the proceedings and by the amounts involved. Claims in respect of:

(a) Damage occasioned by a collision between vessels;
(b) Damage caused by a vessel when anchoring, mooring or performing any other manoeuvre in port or at some other station;
(c) Damage occasioned by the use of loading and unloading equipment or from the handling of cargo in port;
(d) Damage caused by a vessel to nets or fishing gear;
(e) Compensation or remuneration in respect of assistance, salvage or recover; and
(f) Rewards for finding wreckage or reimbursement of expenses connected herewith;
shall be lodged with the harbour commandant if they relate to an amount not exceeding 10,000 lire; they shall be lodged with the court if they involve an amount in excess of that figure.
The provisions of this article shall apply also to Italian warships.

Article 590. Territorial jurisdiction. If the event giving rise to the claims referred to in the preceding article occurred within the territorial sea, the said claims shall be lodged with the harbour commandant competent for the administrative district, or with the court of the judicial district, in which the event took place, or with the chief of the administrative district or court of the judicial district where the damaged vessel or, in its absence, the majority of the survivors of the disaster first arrived, or with the chief of the administrative district or court of the judicial district in which the vessel's port of registry is situated.

If the event occurred outside the territorial sea, claims shall be lodged with the harbour commandant competent for the administrative district, or with the court of the judicial district where the damaged vessel or the majority of the survivors of the disaster first arrived or, in the absence of the vessel and survivors, with the chief of the administrative district or court of the judicial district in which the vessel's port of registry is situated.

PART III. PENAL AND DISCIPLINARY PROVISIONS

BOOK I. PENALTIES

Title IV. Procedural Provisions

Article 1235. Persons vested with the powers of law enforcement officers and personnel. For the purposes of article 221 of the Code of Criminal Procedure, the following persons are empowered to act as law enforcement officers:

(1) Harbour commandants, harbour officers and officials, the director or deputy-director of an airport and the deputy-director in charge of an emergency landing ground, with respect to offences specified in this Code which are committed in port or in an aerodrome or on board a vessel or aircraft during navigation, and, if at the port or airport concerned there is no public security office, with respect also to offences generally which are committed in such places. In a private airport, where there is no resident airport deputy-director and in a State airport which is not the headquarters of an airport director, the powers of law enforcement officer shall be vested in the airport director in whose jurisdiction area the particular airport is situated;

(2) Masters of vessels and captains of aircraft, with respect to offences committed on board during navigation;

(3) Consuls, with respect to offences specified in this Code which are committed abroad, without prejudice to their powers to act in all other cases provided for in the legislation respecting consuls;

(4) Commanding officers of Italian warships, in the performance of acts carried out by them at the request of the consular authority or, in case of emergency, on their own initiative. The commanding officers of Italian warships shall be responsible for supervising the manner in which the law enforcement powers vested in masters of Italian vessels are exercised on the high seas and within the territorial sea of foreign States.

Non-commissioned officers and other military personnel under the authority of the harbour commandant, officials and other agents of the Administration of Inland Navigation and officials and agents of State or
private airports, and members of crew, shall be deemed to be acting as law enforcement personnel when performing any act which a law enforcement officer has requested them to carry out.

Harbour office officials and officials of State or private airports who are on patrol duty shall also be deemed to be acting as law enforcement personnel.

(b) Act No. 612 of 16 June 1912 to Enact Rules Governing the Passage and Presence of Merchant Ships Through or in Italian Coastal Waters

Article 1. The passage and presence of Italian and foreign merchant ships through or in any specified area of the territorial sea, situated to landward or to seaward of the straight line referred to in the next paragraph, may be declared prohibited at any time if the prohibition is necessary in the interest of national defence.

For the exclusive purpose of this Act, the expression “territorial sea” means the maritime zone comprised within the limit of ten nautical miles from the coast. In the case of a gulf, inlet or bay, the ten-mile zone shall be measured from a straight line drawn across the gulf, bay or inlet at the point lying furthest to seaward at which the opening is not more than twenty miles wide.

Article 2. The areas through or in which the passage and presence of merchant ships is prohibited shall be designated by Royal Decree, at the recommendation of the Minister of Marine, and in urgent cases by decree of the said Minister, after consultation with the Council of Ministers in either case.

Article 3. Every decree as aforesaid shall be published in full in the Gazzetta Ufficiale of the Kingdom, posted at all harbour-masters’ and port offices and communicated to the foreign consuls resident in the coastal towns.

Article 4. Semaphore and signal stations and warships on local duty shall, in conformity with international maritime custom, signal to all merchant ships to leave an area affected by the prohibition concerning passage and presence.

Article 5. The Minister of Marine shall have authority, in cases of proved necessity, to grant special permits for the passage and presence of Italian and foreign merchant ships through or in such areas, and he may delegate this authority to the commandant of the naval fortress concerned for use in urgent cases.

Article 6. If a merchant ship is about to enter an area which is covered by a restriction affecting free passage imposed by a decree as referred to in article 2, then the nearest fortress or warship shall order that ship to leave the area. Such order shall be conveyed by a gunshot with a powder charge.

If the order has not been complied with after two minutes, or earlier if the urgency of the situation so requires, it shall be repeated by a gunshot with a shell charge fired across the bows of the ship, but not aimed at the ship.

Article 7. If the merchant ship does not stop after the second order, force may be resorted to, including the use of artillery.

Article 8. The maritime authority shall be empowered to send an officer or other official aboard the merchant ship which has contravened, or attempted to contravene, a prohibition in force, for the purpose of establishing the identity of the ship and of the persons responsible for the contravention.

The official discharging this duty shall, for all purposes of the law, be deemed to have the functions of a law enforcement officer.

Article 9. If special circumstances so require, a ship which commits a contravention as aforesaid may, together with the persons on board, be escorted to a port of the State and there be placed at the disposal of the judicial authority.

Article 10. Any contravention of the provisions of this Act shall be punishable by a fine of 100 to 2,000 lire, payable by the ship's captain.

In any case in which it has been necessary to use force, the fine shall not be less than 1,000 lire, and the additional penalty of detention for a term of one to twelve months, to be served by the captain, shall always be imposed.

In these cases the proceedings shall always be treated with priority.

Article 11. If an Italian or foreign ship has contravened the provisions of this Act, the ship may be held at the disposal of the maritime authorities until the fine imposed has been paid, unless appropriate security has been deposited.

(c) Royal Decree No. 400 of 24 February 1938 Concerning the Control of Navigation in the La Maddalena Archipelago 1

Article 1. The waters of the La Maddalena Archipelago bounded by the following polygon:

Capo Ferro signal station western Isola dei Monaci; northern point Isola Barrettini; northern point Isola Spargiott; Secca Corsara buoy; Punta Sardegna light;

are closed to all foreign and Italian merchant vessels, irrespective of tonnage and whether propelled by sail, steam or motor, which are not proceeding to a port within the above-mentioned polygon.

Article 2. On entering the estuary, vessels proceeding to ports within the polygon shall:

(a) If provided with the International Code of Signals, proceed to the vicinity of the Capo Ferro or Guardia Vecchia signal stations to identify themselves and to request the permission to anchor from the Naval Officer in Charge, La Maddalena;

(b) If not in possession of the International Code, hoist their national flag and international signal letters, if any, and proceed to the Rada di Palau and there anchor until given permission by the Naval Officer in Charge, La Maddalena, to proceed to the anchorage to which they are bound.

Article 3. After sunset the estuary is closed to all vessels, other than vessels obliged to enter by force majeure. Such vessels shall proceed to the

Article 4. In the case of steamships arriving in normal circumstances and steamships which have signalled their arrival in advance, the Naval Officer in Charge, La Maddalena, may make special arrangements waiving some of the aforesaid provisions.

(d) Royal Decree No. 1489 of 16 September 1939 regulating maritime traffic in the waters of Augusta

Article 1. It shall be unlawful for any foreign or Italian merchant ship or pleasure craft, whether a sailing, steam or motor vessel, regardless of its type and tonnage, whether by day or by night, to pass through or anchor in the waters of the Maritime District of Augusta comprised within Lat. 37° 20' N. and Lat. 37° 4' N., and Long. 15° 25' E, and the coast, unless such vessel is proceeding to a landing-place within the said District.

Article 2. Vessels proceeding to such a landing-place, including vessels putting in for supplies, which enter the waters of the Maritime District of Augusta:

(a) Shall, if using the International Signal Book, make their approach to the prohibited zone by heading for the Torre Avolos Signal Station on a 270° course for the purpose of being recognized and of requesting, through the said station, the Augusta Naval Command to grant permission to anchor;

(b) Shall, if not using the International Signal Book, hoist the national flag and the ship's pennants, and shall await the order to enter, which shall be signalled from the Torre Avolos Signal Station (P.Q.C.).

In case of an on-shore wind, vessels awaiting permission to proceed into the zone shall anchor in the port of Xifonio or west-north-west of Punta Tuano on the Magnisi Peninsula.

Article 3. It shall be unlawful for vessels to enter the zone after sunset.

The foregoing prohibition shall not apply in the case of vessels which are compelled to enter by reason of force majeure, but such vessels shall comply with the rules laid down in article 2 (b) above.

Article 4. The Augusta Naval Command may authorize special arrangements, not wholly in conformity with the foregoing provisions, applicable to vessels which regularly call at a landing-place within the zone, to local craft, and to vessels which have given prior notice of their arrival.

(e) Royal Decree No. 1490 of 16 September 1939 regulating maritime traffic in the Waters of Pantelleria

Article 1. It shall be unlawful for any foreign or Italian merchant ship or pleasure craft, whether a sailing, steam or motor vessel, regardless of its

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2 Ibid., Translation by the Secretariat of the United Nations.
type and tonnage, to pass through, whether by day or by night, the territorial waters of the Island of Pantelleria, unless such vessel is bound for one of the following landing-places on the Island: Pantelleria Village, Scauri, Tracino or Campobello.

**Article 2.** Vessels proceeding to one of the said landing-places, including vessels putting in for supplies, which enter territorial waters:

(a) Shall, if using the International Signal Book, pass within sight of the Pantelleria shore signal station for the purpose of being recognized and of requesting permission to anchor;

(b) Shall, if not using the International Signal Book, hoist the national flag, pass within sight of the Pantelleria shore signal station, and proceed to one of the following landing-places: Pantelleria Village, Scauri or Campobello, where they shall anchor while waiting for recognition.

**Article 3.** It shall be unlawful for vessels to enter the territorial waters of Pantelleria after sunset.

The foregoing prohibition shall not apply in the case of vessels which are compelled to enter by reason of force majeure, but such vessels shall make every effort to effect recognition by the Pantelleria shore signal station and shall proceed to one of the landing-places specified in article 2 (b) above, where they shall anchor while waiting for instructions from the local authorities.

**Article 4.** The Pantelleria Sub-Command may authorize special arrangements, not wholly in conformity with the foregoing provisions, applicable to local craft and to vessels which have given prior notice of their arrival.

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(f) **CUSTOMS ACT NO. 1424 OF 25 SEPTEMBER 1940**

**TITLE I. GENERAL PROVISIONS**

**Article 1.** Customs boundary. The sea coast, the Italian shores of the Lake of Lugano which face foreign shores, and frontiers with other States shall constitute the customs boundary. The waters of sea ports and of roadsteads used as anchorages for vessels shall nevertheless be deemed to be within the customs boundary.

The following areas shall be deemed to be outside the customs boundary: the Italian waters of the Lake of Lugano which are situated between the shore and the political frontier between Ponte Dersa and Porto Ceresio; the two versants between the crest of the Alps and the Nice and Susa frontier, declared to be neutral under the Italo-French Convention of 7 March 1861; the commune of Campione d'Italia; the commune of Livigno; the territory of Zara with Lagosta and Pelagosa island; the free zone of Carnaro; free ports and bonded warehouses.

Subject to the exception referred to in article 78, it may be laid down by Royal Decree which other territories are to be deemed to lie outside the customs boundary, and the customs boundary itself may be otherwise modified.

In the areas specified above which are deemed to be outside the customs boundary, the Minister of Finance may, by decree to be published in the

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Official Gazette of Italy, prohibit the storage in bond of specified foreign goods, subject to frontier duties, or limit the storage of such goods to the needs of the inhabitants.

**TITLE II. ARRIVALS**

**Chapter II. Arrivals by Sea**

**Article 33. Zone of maritime customs supervision.** The zone of the sea which is subject to customs supervision for the purposes of this Act extends twelve nautical miles from the coast.

**Article 35. Prohibition of landing and hovering.** In places where there are no customs offices, it shall be unlawful for the masters of vessels, except with the permission of the customs or in the case of force majeure, to close the shore, to anchor, to lie to, to enter into communication with the shore in a manner permitting the loading or unloading of cargo, and to effect a landing.

Vessels must not anchor except in places set aside for the purpose.

**Article 36. Requirements concerning cargo manifest. Supervision.** Within the supervision zone, the masters of vessels proceeding to an Italian port must be in possession of a cargo manifest.

Officers of the Royal Customs Guard in the supervision zone may board vessels of not more than 200 tons burden and require the master to produce the manifest and other cargo documents. If the master is not in possession of the manifest or refuses to produce it or if there is reason to suspect a breach of the customs regulations, the vessel shall be escorted to the nearest customs office for investigation as necessary.

In the case of vessels of more than 200 tons burden, supervision shall be exercised over the movements of the vessel within the supervision zone; if, however, an attempt is made to load, unload or transship in a place where there is no customs office, the customs guard shall be empowered to board the vessel, to require the cargo documents to be produced, and to escort the vessel to the nearest customs office for appropriate action.

**Japan**

(a) *Maritime Safety Board Law No. 8 of 27 April 1948, as amended by Law No. 10 of 1 April 1955*

**Article 2.** The Maritime Safety Board shall perform the functions concerning enforcement of laws and orders at sea, rescue of marine disasters, prevention and suppression of crimes at sea, detection and arrest of criminals at sea, services concerning waterways and navigational aids, other services for insuring maritime safety and the business concerning matters incident thereto.

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1 Text of Law provided by the Ministry for Foreign Affairs of Japan.
Article 16. Whenever necessary for the performance of the duties mentioned in Article 7 item (2),\(^1\) or for the arrest of a criminal or at any emergency a Maritime Safety official may call upon persons nearby for cooperation.

Article 17. A Maritime Safety official may, when necessary for performance of his duties, direct the shipmaster or other person in charge of a vessel to produce the ship’s official papers which are to be kept aboard under law and order; visit and inspect the vessel for the purpose of ascertaining her identity, port or place of departure, port or place of destination, nature of her cargo, or whether she is loaded or not and all other particulars about vessels, cargo and navigation deemed important; and question the crew and passengers on matters necessary in the discharge of his duties.

Article 18. A Maritime Safety official may, whenever deemed actually unavoidable from various circumstances for performance of his duties, take any of the following measures, besides those specified in other laws and orders in regard to performance of his duties:

1. To make a vessel stop proceeding or to suspend her departure;
2. To make a vessel deviate from her pre-determined route or to make her sail to a port which he designates;
3. To make the crew, passengers or other person on board disembark the vessel or to restrict or prohibit their disembarkation;
4. To cause the cargo to be discharged or to restrict or prohibit its discharge;
5. To restrict or prohibit the traffic between vessels or between a vessel and shore, when such vessel or vessels are under quarantine or undergoing investigation or under seizure or constitute a menace to life.

(b) NAVIGATIONAL AIDS LAW No. 99 OF 24 MAY 1949, AS AMENDED BY LAW No. 198 OF 23 MAY 1950\(^2\)

Article 7. Any one who discovers trouble of and or accident to the navigational aids shall report it at once to the Maritime Safety Agency or nearby local office of the Board.

Article 8. No one shall be allowed to use indiscriminately a light and or sound, mistakable for those of the navigational aids.

2. The Director of the Maritime Safety Board may give orders to those who commit or intend to do the actions mentioned in the preceding paragraph to put out the light or stop the sound or to take other necessary measure so that it may not be mistaken for navigational aids.

Article 11. No vessel (including lighter, raft or other similar structure — hereinafter the same) shall sail unnecessarily too close to the navigational aids lest it should cause damage to the navigational aid.

2. No vessel shall be moored to the navigational aid.

\(^1\) Article 7. The Coast Guard Division shall perform the following functions:
(a) Salvage of life, cargo and vessels in distress and necessary assistance in case of natural calamity, accident and other event where relief is required.

\(^2\) Text of Law provided by the Ministry for Foreign Affairs of Japan.
3. No vessel shall lie at anchor or stay at a place which is apt to disturb the sight of or to come in contact with the navigational aid.

Article 12. No one shall commit an act which is apt to cause stain or damage to the navigational aid.

(c) Law No. 102 of 17 April 1950 for Hydrographic Activities, as amended by Law No. 10 of 10 March 1951

Article 17. Vessels of the Maritime Safety Board or of those persons who have obtained permission in accordance with the provision of article 6 shall, in case they are conducting a hydrographic survey or oceanographic observation, put up such marks as may be specified in a Ministry of Transportation Ordinance.

Article 18. The master shall not sail his vessel too close to a vessel putting up the mark under the preceding paragraph, without any justifiable reason.

Article 20. The master shall, in case he has found any sunken object or objects menacing the safety of navigation, or found any phenomenon remarkably different from the descriptions in charts and publications published by the Maritime Safety Board, report the fact without delay to the Director-General of the Maritime Safety Board.

(d) Ship's Safety Law No. 11 of 15 March 1933, as amended by Law No. 151 of 1 August 1953

Article 1. No Japanese vessel shall be employed in navigation unless such measures are taken on board in accordance with this Law as are necessary for maintaining the vessel in a seaworthy state and for the safety of human life.

(e) Enforcement Ordinance of Ship's Safety Law No. 13 of 1 February 1934, as amended by Imperial Ordinance No. 307 of 19 May 1945

Article 1. The provisions of articles 1 to 5, article 7, paragraph 1, article 8, article 9, paragraphs 1, 2 and 4, articles 10 to 12, articles 16 to 21, articles 23 to 26 and article 29 of the Ship's Safety Law shall apply mutatis mutandis to vessels of other than Japanese nationality coming under any of the items mentioned in article 14 of the said law.

1 Text of Law provided by the Ministry for Foreign Affairs of Japan.
2 Text of Law provided by the Ministry for Foreign Affairs of Japan.
3 Text of Ordinance provided by the Ministry for Foreign Affairs of Japan.
(f) **Port Regulation Law No. 174 of 15 July 1948, as amended by Law No. 7 of 20 March 1954**

*Article 24.* No person shall throw or discharge ballast, waste oil, cinder ashes, dirt or other refuse matters without permission into waters of a port or within 10,000 meters from the boundaries of a port.

*Note:* The provision is not applicable to foreign vessels but only to those of Japanese nationality, beyond the 3 mile limit recognized as the limits of territorial waters.

**Korea**

(a) **Law governing the safety of ships** (Law No. 11 of 15 March 1933, amended by Law No. 79 of 14 August 1937)

*Article 1.* No Korean ships shall be available for navigation, except when they are furnished with such installations as may be required for the maintenance of seaworthiness and the safety of human life under the provisions of this Law.

(b) **Regulation concerning the safety of alien vessels in Korea** (General Ordinance No. 21 of 23 February 1935)

*Article 1.* The provisions of articles 1-5, article 7 paragraph 1, article 8, article 9 paragraphs 1, 2, 4, articles 10-12, articles 16-21, articles 23-26 and article 29 of the Law governing the Safety of Ships applicable to Korea by virtue of article 1 of the Korean Ships Safety Regulation (hereinafter referred to as the Law), shall apply to alien vessels (hereinafter referred to as non-Japanese vessels under the Korean Ships Safety Regulation) falling under each of the Items of Article 14 of the said Law.

(c) **Marine Defence Act** (Law No. 104 promulgated 2 March 1950)

*Article 1.* The President of the Republic of Korea may, by fixing a boundary, designate some area as the "Sea of Defence" in the case of extraordinary necessity during a time of formal war or a civil war.

The designation of such areas provided for in the preceding paragraph, as well as the cancellation of such areas thereof shall be publicly announced by the Minister of National Defence.

*Article 2.* If it is necessary to take urgent measures the Commanding Officer of the Naval Yard or the Commanding Officer of the Guard Station may designate and proclaim the "Sea of Defence" as provided for in the preceding article.

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1. Text of Law provided by the Ministry for Foreign Affairs of Japan.
2. Text of Law provided by the Permanent Observer of the Republic of Korea to the United Nations.
3. Text of Regulation provided by the Permanent Observer of the Republic of Korea to the United Nations.
4. Text of Act provided by the Permanent Observer of Korea to the United Nations.
Such proclamation shall be reported without delay to the President for approval. If confirmation from the President is not obtained, such proclamation shall lose its effect thereafter, and the Minister of National Defence shall announce that fact without delay.

Article 3. Ships other than those of the National Defence Force may not enter into, leave from, or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or of the Guard Station during the hours of darkness (from sunset until sunrise).

Article 4. In case the zone of a Naval Base belongs to the "Sea of Defence", ships other than those of the National Defence Force may not enter into, leave from or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or the Commanding Officer of the Guard Station.

Article 5. Ships entering into, leaving from, sailing or anchoring in the "Sea of Defence" shall observe the directives of the Commanding Officer of the Naval Yard or of the Guard Station concerning all their movements.

Article 6. In case it is deemed necessary, the Commanding Officer of the Naval Yard or of the Guard Station may prohibit or place restraint on fishing, extraction of sea-weeds and other actions which may serve as obstacles to military operations.

\[d\] Customs Law (Law No. 67 promulgated 23 November 1949) ¹

Article 142. When a foreign trade ship is anchored in an open port, her captain shall present entry report to the Collector of Customs within twenty-four hours, and submit inventory of cargoes and the ships equipments, and the list of passengers and at the same time shall prepare the certificate of the Vessel nationality and the clearance permit of last port of departure or substitute document of the like.

When a ship which had loaded the bonded transport goods entered an open port, the present inventory of (transportation) goods within twenty-four hours.

Article 143. When a foreign trade ship or a ship loaded transport goods are to sail from an open port the captain must report departure to the Collector of Customs and obtain the clearance permit.

When a foreign trade ship or a ship which is loaded with the bonded transport goods are to receive the clearance permit as provided in the foregoing paragraph, the captain shall submit the inventory of the loaded goods in the open port to the Collector of Customs.

Article 144. Unless a foreign trade ship or a ship which was loaded with the bonded transport goods finished the procedures stated in article 142, she shall not disembark or transship the cargoes or goods for the ship's own use in an open port, except in the case with the permission of the Collector of Customs.

Article 145. When a foreign trade ship or a ship which is loaded with the bonded transport goods desires to disembark to communicate the goods with land, except in the case with the permission of the Collector.

¹ Text provided by the Permanent Observer of Korea to the United Nations.
Article 146. In case a foreign trade ship or a ship on which the bonded transport goods were loaded disembark or transship the goods in an open port the approval of the customs officials shall be obtained.

Article 147. When loading discharging or transshipping the foreign goods or inland transport goods are to be carried out outside the port, the captain shall be licenced by the Collector of Customs.

Article 149. In case a foreign trade ship was compelled to enter a non-open port because of calamity or other act of God, the captain shall make a report of the outline therefor without delay to the customs official but where there is no customs official, to the police officials; the same shall apply when the ship concerned is to clear the port.

If the ship mentioned in the foregoing paragraph is to load the goods for the use of the ship, disload her goods or transship them since she has been driven into the port the captain shall be approved by the official to whom he already reported according to the preceding paragraph.

But, when there is no time to be approved by urgent circumstances, the captain shall report to the competent official the outline without delay.

Article 155. The open port shall be designated by a Presidential Decree.

Article 156. The anchorage area of the foreign trade ships at an open port shall be designated by the Collector of Customs.

Liban

CODE DES DOUANES, ÉDICTÉ PAR L’ARRÊTÉ n° 422 DU 30 JUIN 1954

Article 69. Les fonctionnaires des douanes sont autorisés à visiter les bâtiments de toutes nationalités au-dessus de 150 tonneaux de jauge étant à l’ancre ou louvoyant dans les vingt kilomètres des côtes libanaises, hors le cas de force majeure justifiée.

Article 72. Les fonctionnaires des douanes sont autorisés, dans les vingt kilomètres des côtes, à monter à bord des navires de tous pavillons au-dessus de 150 tonneaux, mais se bornent alors à exiger une copie du manifeste et à viser l’original. Ils ne sont autorisés à visiter ces bâtiments que si la présence de marchandises de contrebande leur est spécialement signalée.

Libya

(a) NOTE OF 29 NOVEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM OF LIBYA

"Libya’s territorial sea is open to innocent passage by vessels of all States without exception, whether traversing the territorial sea in the

1 Texte fourni par le Ministère des affaires étrangères de la République libanaise.
direction of the coast or making for the high sea or navigating parallel to the coast. Passage is innocent if it does not cause any actual damage to the State."

(b) Customs Law of 1954

PART II. MANIFESTS, DECLARATIONS AND REPORTS

Article 7. (1) The person in charge of any means of conveyance adapted for the carriage of goods entering or leaving Libya or Libyan territorial waters shall carry with him a manifest showing the nature and quantity of all goods carried thereon and shall produce the same, together with an attested copy thereof for retention by the Customs, to the Customs officer at the nearest port, aerodrome or station.

(2) The production of the manifest shall be required whatever be the cause for entering or leaving Libya or Libyan territorial waters and whatever be the duration of stay there.

Article 14. (1) When any ship is lost or wrecked upon the coast of Libya, the master or agent shall, without any unreasonable delay, make report of the ship and cargo by delivering to the Customs officer a manifest, so far as it may be possible for him to do so, at the Customs office nearest to the place where the ship was lost or wrecked.

(2) If any aircraft is forced to land at any place other than a Customs aerodrome, or is lost or wrecked within the Libyan Customs boundary, or where any goods are jettisoned within the same prior to the arrival of the aircraft at a Customs aerodrome, the captain or owner or agent shall without unreasonable delay make report of the aircraft and cargo by delivering to the Customs officer a manifest, so far as it may be possible for him to do so, at the Customs office nearest to the place where the aircraft has landed or was lost or wrecked or the goods were jettisoned.

PART IV. CUSTOMS POWERS AND CONTROL

Article 47. Any Customs officer may:

(a) Board and search any means of conveyance at any port or aerodrome or Customs Station in Libya or within Libyan territorial waters;

(b) Secure any goods on any means of conveyance arriving at any port or aerodrome or Customs station in Libya or within Libyan territorial waters;

(c) Within his competence question all persons on board any means of conveyance and they shall each thereupon answer questions relating to the means of conveyance, its cargo, crew, stores and voyage and produce documents relating to the means of conveyance or its cargo.

Article 48. (1) The person in charge of any means of conveyance shall, when so required, by all reasonable means facilitate the boarding of the said means of conveyance by the Customs officer.

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1 Official Gazette of the United Kingdom of Libya, No. 4, 19 June 1954, vol. 4.
The power of a Customs officer to board a ship shall extend to staying on board, and the Director-General may station a Customs officer on board any ship.

The master of the ship on board which any Customs officer is staying or is stationed under the provisions of this article shall, if required, provide such officer with suitable sleeping accommodation under the deck, and food.

Article 51. Where the Director-General has reason to suspect that any ship is hovering or likely to hover in any area adjacent to Libyan territorial waters for the purpose of smuggling he may, by notice published in the Official Gazette, declare that area to be a Customs enforcement area and thereafter any Customs officer may go on board any ship in such area suspected to be there for the purpose of smuggling, and bring the ship into port.

Article 60. Goods subject to the control of the Customs shall include:

(e) Goods on board any ship from or destined for abroad, while such ship is within Libyan territorial waters, and goods on board any coasting ship while such ship is within Libyan territorial waters;

(f) Goods on board any aircraft while the aircraft is upon any aerodrome in Libya or over Libyan territorial limits;

PART VII. GENERAL

Article 105. In this Law, unless the context otherwise requires:

"Customs boundary" means the seashore of Libya and the frontiers between Libya and other neighbouring states and includes the air above the line of such seashore and frontiers, provided that any lighter or pontoon or other craft in any port or approved anchorage for the time being in use for the conveyance of goods or persons to or from a vessel berthed or at anchor and any craft in any port or harbour to or from which goods from abroad are transshipped direct from or to any other vessel shall be deemed to be inside the Customs boundary.

Maroc

DAHIR DU 14 SEPTEMBRE 1932 (12 JOURMAA I 1351) CONCERNANT LES MESURES DE POLICE APPLICABLES AUX NAVIRES ÉTRANGERS SÉJOURNANT OU CIRCULANT DANS LES EAUX TERRITORIALES DE LA ZONE FRANÇAISE DE L’EMPIRE CHÉRIFIEN ¹

Article premier. Indépendamment des prescriptions générales qui peuvent être édictées en ce qui concerne la circulation et le séjour des navires dans

¹ *Les Codes marocains*, droit maritime, textes annexes, p. 155.
les eaux territoriales de la zone française de l'Empire chrétiens, les bateaux étrangers sont tenus de se conformer aux règles de police suivantes, quand ils circulent ou se trouvent mouillés à l'intérieur des limites de ces eaux.

**Article 5.** Il est interdit aux navires étrangers de toute catégorie et, particulièrement, aux bateaux de pêche, de gêner la navigation à l'entrée des ports et des rades, ainsi que les opérations des services publics et les opérations de pêche des navires chrétiens. En conséquence, ils sont tenus de défer à l'injonction de se retirer qui peut leur être faite par les autorités chrétiennes.

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**Monaco**

(a) **ORDONNANCE DU 16 OCTOBRE 1915 CONCERNANT LA SÉCURITÉ DE LA NAVIGATION MARITIME ET LE TRAVAIL À BORD DES NAVIRES (MODIFIÉE PAR L'ORDONNANCE n° 3747 DU 6 SEPTEMBRE 1948)**

**TITRE IER. DE LA SÉCURITÉ DE LA NAVIGATION MARITIME**

**Chapitre II. Navires en service**

**Article 3.** Aucun navire étranger ne pourra embarquer des passagers à Monaco s'il n'a fait constater par la commission prévue à l'article 4 ci-après, qu'il satisfait aux conditions imposées aux navires monégasques par l'article 1er de la présente ordonnance.

Toutefois, les navires susvisés seront dispensés de ces constatations sur présentation, par les capitaines, de certificats de leur gouvernement, reconnus par le Ministre d'État équivalents au permis de navigation monégasque, et à condition que les mêmes avantages soient assurés aux navires monégasques dans les ports de leur nationalité.

Les permis de navigation régulièrement délivrés par l'autorité française seront valables au même titre que les permis délivrés par l'autorité monégasque.

Les navires étrangers prenant des passagers à Monaco seront soumis aux visites annuelles et aux visites après avaries graves ou notables changements, prescrites par le présent article.

Toutefois, ils seront dispensés de ces visites sur présentation, par les capitaines, de certificats de leur gouvernement, reconnus par le Ministre d'État équivalents aux certificats de visite monégasques, et à condition que les mêmes avantages soient assurés aux navires monégasques dans les ports de leur nationalité.

Les certificats délivrés par l'autorité française seront valables au même titre que ceux délivrés par l'autorité monégasque.

**Article 7.** Le directeur du port ou le maître du port, délégué par lui, assisté d'un médecin sanitaire et, s'il est besoin, d'un ingénieur ou d'un

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officier mécanicien, visitera tout navire monégasque ou étranger en partance pour un voyage au long cours, au cabotage, ou pour une campagne aux grandes pêches, et s’assurera que ce navire est dans de bonnes conditions de conservation et de navigabilité; que les générateurs de vapeur, l’appareil moteur et tous les appareils à vapeur ou autres appareils mécaniques accessoires sont en bon état; que les instruments nautiques sont en bon état de fonctionnement; que les cartes marines ou tous documents nécessaires peuvent être utilisés pour le voyage projeté; que l’effectif est suffisant pour assurer normalement l’exécution des articles 21 à 30 ci-après, eu égard à la navigation entreprise, et, d’une manière générale, que le navire satisfait aux prescriptions des divers §§ de l’article 1er de la présente ordonnance.

Il examinera les vivres, les boissons, l’eau potable et s’assurera que les prescriptions de l’article 31 ci-après sont observées; il pourra, à cet effet, ordonner tout prélevement de vivres, de boissons ou d’eau potable, ainsi que toute analyse ou autre moyen de vérification.

Les visites de partance ne seront jamais obligatoires qu’une fois par mois, pour les navires revenant à intervalles plus fréquents.

Toutefois, le directeur du port pourra, quand il le jugera utile, visiter tout navire présent dans le port.

Il visitera tout navire qu’une plainte précise et circonstanciée, envoyée en temps utile pour que le départ du navire ne soit pas retardé, et signée par une personne honorable, lui aura signalé comme se trouvant dans de mauvaises conditions de navigabilité, d’hygiène ou d’approvisionnement en vivres et boissons.

Il interdira ou ajournera jusqu’à l’exécution de ses prescriptions le départ de tout navire, de quelque catégorie et de quelque nationalité qu’il soit, qui, par son état de vétusté, son défaut de stabilité, les conditions de son chargement ou pour toute autre cause prévue par l’article 1er de la présente ordonnance, lui semblera ne pouvoir prendre la mer sans péril pour l’équipage ou les passagers.

Les motifs de l’interdiction seront notifiés immédiatement par écrit au capitaine du navire.

Article 8. Le capitaine du navire à qui l’autorisation de départ aura été refusée, ou qui jugera excessives les prescriptions du directeur du port, pourra faire appel de cette décision devant le Ministre d’Etat. Celui-ci dans le délai de vingt-quatre heures, devra faire procéder à une contre-visite par une commission d’experts nommée d’urgence pour les circonstances, et choisir autant que possible parmi les officiers de marine, capitaines au long cours, officiers mécaniciens de la marine marchande, ou parmi les ingénieurs, suivant le cas.

Cette commission statuera après avoir entendu le directeur du port, et hors de leur présence.

(b) Ordonnance du 22 janvier 1891 sur la discipline maritime

TITRE 1

Chapitre 1er. Police de la navigation

Article 1er. — Aucune embarcation ne peut être mise à la mer dans le port de Monaco ou sur la côte de la Principauté, sans une autorisation de-

1 Ibid., p. 36-55. (3) et suiv.
Notre gouverneur général, accordée sur l'avis du conseil maritime après vérification de la solidité et de la navigabilité du bateau.

Cette autorisation ne peut être accordée qu'aux propriétaires d'embarcations qui résident dans la Principauté.

Article 11. — Tout capitaine, maître ou patron est tenu, à sa rentrée à Monaco, de remettre au capitaine du port ses papiers de bord, en lui signa-
lant les infractions punies ou à punir, conformément aux dispositions de
la présente ordonnance.
Toutes les infractions disciplinaires ou pénales doivent être mentionnées sur le rôle d’équipage, ainsi que la suite qui y a été donnée.

Chapitre II. Discipline maritime

Article 15. — Les infractions aux dispositions de la présente ordonnance sont constatées, savoir:
1° dans la Principauté, par les capitaines, officiers et maîtres du port;
2° à l’étranger, par les officiers des navires affectés à Notre service; par
Nos consuls et vice-consuls; enfin par les capitaines, maîtres ou patrons en
ce qui touche l’équipage dont ils ont le commandement.
Sauf en ce qui touche les simples punitions disciplinaires, les procès-
verbaux constatant lesdites infractions seront envoyés à Notre gouverneur
général, qui les transmettra, s’il y a lieu, à Notre avocat général, après les
avoir fait enregistrer en débet.

Article 16. — Le droit de connaître des fautes de discipline et de pro-
noncer les peines qu’elles comportent est attribué sans appel:
1° dans le port de Monaco, sur le rapport du capitaine, maître ou patron
du bateau, ou d’office, au capitaine du port;
2° à l’étranger, dans les mêmes conditions, aux commandants des navires
à Notre service qui se trouvent sur les lieux;
3° en dehors des deux cas précédents, au capitaine, maître ou patron du
bateau.

Article 17. — Dès son arrivée dans un port où réside un de Nos consuls
ou vice-consuls, le capitaine, maître ou patron de toute embarcation moné-
gasque est tenu de lui signaler les crimes ou délits commis à bord.
Il est tenu, de même, de se mettre en communication avec le commandant
de tout navire affecté à Notre service qu’il vient à rencontrer hors des eaux
monégasques.

Article 18. — En cas de crime ou de délit de droit commun commis dans
un port envers un étranger, Notre consul en saisira l’autorité locale et
rendra compte à Notre Ministre d’Etat.
Si le crime ou le délit n’intéresse pas un habitant du pays dans lequel il
est accédité, le consul se borne à recueillir officiellement la plainte et les
dépositions des témoins, puis adresse son procès-verbal à Notre gouverneur
général.
En l’absence d’agence consulaire, ou dans les eaux neutres, le capitaine
fera lui-même toutes les constatations et prendra les mesures nécessaires
pour arriver, au retour du bâtiment, à la répression du crime ou du délit.
Titre III. Dispositions générales

Article 47. — Les délits et les crimes, en matière de police maritime, seront jugés par Notre tribunal supérieur constitué conformément à l'ordonnance sur l'organisation judiciaire. Le recours en révision contre les jugements et arrêts sera formé et instruit conformément aux articles 446 et suivants du Code d'instruction criminelle.

Article 48. — En exécution de l'article 3 du traité avec la France, en date du 9 novembre 1865, les dispositions pénales de la loi française du 3 mars 1822 seront appliquées en matière de police sanitaire.

Netherlands

(a) Ships Act of 1 July 1909, as amended by Act of 31 December 1952

Chapter I. Introductory Provisions

Article 1. 1. For the purposes of this Act, the expression: to put out to sea means, where it relates to leaving the Netherlands and the German and Belgian territory enclosed by the line hereinafter specified, to move the ship to seaward of a line running from den Hoek Van de Knock in East Friesland along the easterly buoys of the East Frisian straits and the Dookegat to the southernmost point of the island of Borkum (the jetty there shall be deemed to lie within the line), thence along the south-western coast of the said island to the westernmost point thereof, thence through the northernmost points of the islands of Rottum, Schiermonnikoog and Ameland along the northern and north-western coast of Terschelling, thence along the north-western coast of the islands of Vlieland and Texel to the westernmost point of the latter island, thence to the coast of North Holland opposite the Falga lighthouse and along the coastline of North and South Holland, which shall be deemed to include the piers of the ports, and along the westernmost points of the islands of Voorne, Goeree, Schouwen and Walcheren to the point of frontier demarcation at sea between the Netherlands and Belgium; and, where it relates to leaving the Netherlands Antilles, leaving one of the ports of the Netherlands Antilles;

Chapter VII. Concluding Provisions

Article 67. 1. All provisions enacted by or pursuant to this Act concerning freeboard, radiotelegraphy and radiotelephony, passenger ships and the transport of livestock; the relevant provisions of article 16, paragraph 2, and article 17, paragraphs 1, 2 and 4; all such other provisions enacted by or pursuant to this Act as We may specify for the purpose by general administrative regulation; and the relevant penal provisions shall likewise apply to a ship of foreign nationality to which the provisions of this Act do not apply in virtue of article 2 or 2 bis, and which is to begin a voyage from a Netherlands port without taking on emigrants, if:

(a) There are in force in the country of the said ship's nationality no provisions concerning this matter which We judge to be as satisfactory in substance and scope as the statutory provisions in force in the Netherlands; (b) There are in force in the country of the said ship's nationality provisions satisfying the terms of sub-paragraph (a), and the said provisions are likewise applied to Netherlands ships in the said country.

2. The provisions of the preceding paragraph shall not, however, apply to a ship of foreign nationality as mentioned in paragraph 1 if, in the country of the said ship's nationality, there are in force provisions satisfying the terms of sub-paragraph (a) of that paragraph but the said country's legislation provides that Netherlands ships which comply with the Netherlands provisions shall not be subject to the provisions in force in the said country provided that the said foreign ship is found to comply with the provisions in force in its country of nationality.

3. Any general administrative regulation as mentioned in paragraph 1 which is not confirmed by statute within one year after the issue of the said regulation shall lapse. If a motion for the enactment of such a statute is laid before the States General within the said period of one year, We may grant one extension of six months to this time-limit.

[Paragraph 1 was amended by the Acts of 23 September 1912, (Staatsblad No. 305) and 31 December 1931, (ibid. No. 587); paragraph 2 by the Act of 23 September 1912, (ibid. No. 305); and paragraph 3 by the Act of 31 December 1931, (ibid. No. 587); paragraphs 1 and 2 were further amended by the Act of 31 December 1936, (ibid. No. 526).

[Before international regulations for control of the seaworthiness of shipping were laid down by the London Conventions of 1929 (International Convention for the Safety of Life at Sea, later replaced by the 1948 International Convention for the Safety of Life at Sea) and 1930 International Load Line Convention, the provisions concerning minimum freeboard were recognized as applicable to several countries or notes were exchanged concerning the reciprocal application of shipping legislation. The countries in question were:

[Germany (Order of 2 October 1909, Staatsblad No. 330);
[Great Britain (Order of 3 February 1910, ibid. No. 41);
[France (Orders of 7 March 1911, ibid. No. 87, and 11 February 1913, ibid. No. 51);
[Japan (Order of 5 December 1921, ibid. No. 1342);
[Belgium (Order of 11 August 1923, ibid. No. 398);
[Italy (Order of 1 September 1927, ibid. No. 301).

[The amendment made to this article in 1931, like that made to article 68, related to the provisions of article 54 of the London Convention.

[The Act of 31 December 1952, (ibid. No. 678) inserted the amendment to the provisions concerning radiotelephony and the transport of livestock in the opening words of paragraph 1. The commentary on this Act contains the following note on the subject:

"Article 67 of the Ships Act governs the application of a number of provisions to ships under a foreign flag which in most other respects are not covered by the Ships Act; these provisions had to be extended to include radiotelephony and the transport of livestock."

Article 67 bis. All provisions enacted by or pursuant to this Act concerning freeboard, radiotelegraphy and passenger ships; the provisions of
article 4 (b), (h) and (1) (4), article 5, paragraph 1 (b) (e) and (f), articles 12 and 15, article 16, paragraph 2, article 17, paragraphs 1, 2 and 4, and articles 18, 19, 20, 21, 22 and 72; the provisions of any general administrative regulations issued thereunder; and the relevant penal provisions shall likewise apply to a ship of foreign nationality taking on emigrants at a Netherlands port unless the exception referred to in article 67, paragraph 2, applies to the said ship, and the master thereof, before the ship sails, produces at the request of an officer of the Shipping Inspectorate documentary proof to the said officer's satisfaction that the ship complies with the provisions in force in the country of its nationality.

[This article was inserted by the Act of 31 December 1936, (Staatsblad No. 526). This article extends to ships of foreign nationality taking on emigrants at a Netherlands port the application of more provisions of the Ships Act than are prescribed for application to foreign ships in general under article 67 of that Act. This was done because the provisions with which foreign ships had to comply under the Emigrants Act then in force were omitted from the draft of the new Emigrants Act and hence had to be transferred to the Ships Act; also, in order to maintain the system prevailing under the Emigrants Act—unlike the Ships Act—whereby ships not of Netherlands nationality are accorded approximately the same treatment as Netherlands ships. At the same time, however, the article preserves the principle of reciprocity laid down in the Ships Act with regard to foreign ships leaving the Netherlands which belong to countries where the provisions of Netherlands law are given equal validity with the provisions locally in force, provided that the latter provisions are given equal validity with the provisions of Netherlands law in the Netherlands and documentary proof is produced that the foreign ships in question comply with the provisions in force in the country of their nationality.]

Article 68. If a ship is detained under the provisions of the preceding article, notice of such detention and the termination thereof shall be communicated as soon as possible to the nearest resident consular official of the country of the said ship's nationality.

[This article was given its present form by the Act of 31 December 1931, (Staatsblad No. 587). See the last note on article 67.]

Article 69. 1. Notwithstanding the provisions of article 67, an officer of the Shipping Inspectorate shall be empowered to detain a ship of foreign nationality to which the provisions of this Act do not apply in virtue of article 2 or 2 bis if the safety of the passengers and crew is endangered by the unseaworthy condition of the hull, engines or apparel or by improper loading.

2. The said officer shall as soon as possible report such detention to his immediate superior, who shall forthwith communicate the same to the head of the Shipping Inspectorate, the owner's representative or agent, the master of the ship and the nearest resident consular official of the country of the ship's nationality. He shall give them full particulars concerning the grounds for the detention. The head of the Shipping Inspectorate shall, if necessary, communicate directly with the owner.

3. The said consular official may appoint a person to investigate the case with the said officer.

4. If the said person shares the officer's unfavourable opinion, the detention of the ship shall not be terminated until the fault has been corrected.
5. If the said person does not share the officer's unfavourable opinion, an appeal shall lie against the detention and the provisions of chapter II, section 3, and the provisions of article 17 concerning the reimbursement of expenses in the event of unjustified detention shall apply.

[Paragraph 1 of this article was thus amended by the Act of 23 September 1912, (Staatsblad No. 305). Paragraph 2 was amended by the Act of 31 December 1931, (ibid. No. 587).

The amendment made to article 69, paragraph 2, lays down the procedure for the notification of detention to all concerned. In accordance with the international agreement it is desired, in order to obviate difficulties, that this matter should be scrupulously attended to and that the head of the Shipping Inspectorate should immediately ascertain all the particulars of the case. Since it is most improbable that the owner will be present, he need be notified only in exceptional circumstances, in which case this can best be done by the head of the Inspectorate. (Commentary.)]

**Article 70.**

1. If a ship of Netherlands nationality which is exempt from the application of this Act under article 2 meets with a shipping disaster, an inquiry shall be held into the causes thereof. This provision shall likewise apply to means of transport, other than seagoing ships, in the public service of the State and to ships of foreign nationality if the shipping disaster occurred on or near the Netherlands coast, in the channels and ports of the Netherlands and their approaches to the sea, or near the coast or in a port of the Netherlands Antilles.

2. In the conduct of an inquiry under paragraph 1 due regard shall be paid to the provisions of chapter IV with the exception of those contained in articles 34 to 41 inclusive.

[This article was thus amended by the Acts of 23 September 1912, (Staatsblad No. 305) and 31 December 1931, (ibid. No. 587). Paragraph 1 covers all cases in which an inquiry by the Shipping Council is required and to which article 27 does not apply. Paragraph 2 lays down the procedure to be followed. Articles 34 to 41 inclusive do not, of course, apply to the crews of the ships concerned. (Commentary to the Act of 31 December 1931, ibid. No. 587.) See article 30 of the Seagoing Ships Accidents Act and article 23 of the Inland Navigation Disasters Act.

Since an inquiry into the cause of shipping disasters is also required in the case of ships under a foreign flag which meet with a shipping disaster near the Netherlands coast, a similar provision with reference to the Netherlands Antilles was added at the end of paragraph 1 by the Act of 31 December 1952, (ibid. No. 678). (Commentary.)]

(b) **Pilots Act No. 93 of 20 August 1859 to Regulate the Pilot Service for Sea-Going Vessels**

**Article 9.** The following vessels shall be exempt from the obligation to take pilots:

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2 As amended by Acts Nos. 62 of 6 April 1875, 64 of 15 April 1886, 255 of 16 May 1934 and 601 of 10 October 1935.
(a) Warships, whether Netherlands or foreign, provided that they carry the required distinguishing marks;
(b) Vessels of duly recognized Netherlands and foreign sailing and rowing clubs and yacht clubs;
(c) Foreign pilot vessels, provided that they are lawfully admitted and carry marks distinguishing them as such;

(c) ACT No. 91 OF 15 APRIL 1891 TO ENACT PROVISIONS FOR THE PREVENTION OF COLLISIONS AND STRANDINGS IN THE PUBLIC WATERWAYS OF THE KINGDOM WHICH ARE OPEN TO SHIPPING

Article 1. The Crown shall, by general administrative regulations, enact provisions to be observed by masters and members of ship's companies for the prevention of collisions and strandings in the public waterways of the Kingdom which are open to shipping.

Article 2. The administrations of provinces and communes are empowered to make regulations for the prevention of collisions and strandings in any waterway open to shipping or in any part of a waterway which is under their authority, provided that such regulations do not conflict with the regulations enacted by the Crown under article 1 of this Act.

Subject to the same proviso, such rules may also be laid down by catchment, drainage and land reclamation boards which are empowered to issue police regulations.

(d) REGULATIONS TO PREVENT COLLISIONS AND STRANDINGS IN THE PUBLIC WATERWAYS OF THE KINGDOM WHICH ARE OPEN TO SHIPPING (INLAND WATERS COLLISION REGULATIONS, ENACTED BY DECREE NO. 317 OF 28 AUGUST 1926, AS AMENDED)

Chapter I. General provisions

Applicability of the regulations

Article 1. (1) Except as may be provided in special regulations made or to be made by the Crown with due regard for the provisions hereof, these regulations shall be applicable to all vessels on the waterways of the Kingdom which are open to shipping.

(2) These regulations shall not apply to vessels navigating on the Rhine, including the Waal and the Lek, which are governed by the Rhine Navigation Police Regulations, or on the Upper and Lower Merwede as far as the Wolwevershaven at Dordrecht, or on the Northern and Netherlands parts of the Ems and its mouths.

(3) In the territorial waters of the Kingdom they shall apply only to vessels navigating in a buoyed channel.

Article 4. As regards vessels navigating within the territorial waters otherwise than in a buoyed channel or vessels navigating on the Nether-
lands parts of the Ems and its mouths, the regulations for the prevention of collisions at sea, in so far as not already applicable, are hereby declared applicable.

(e) Act No. 84 of 15 April, 1891, to carry into effect the International Convention concluded at The Hague on 16 November 1887 for the purpose of curbing abuses arising out of the liquor traffic among fishermen in the North Sea outside the territorial waters (ratified by Act No. 123 of 7 August, 1888), and to curb like abuses within the territorial waters of the Kingdom.

Article 2. The provisions of the said Convention shall also apply to all ships and vessels within the territorial waters of the Kingdom, except as otherwise provided in this Act.

Article 3. The limits of the North Sea and of the territorial waters referred to in Articles 1 and 2 hereof shall be those fixed in Articles II, III and IV of the Convention of 6 May 1882, ratified by the Act of 15 June 1883 (Staatsblad No. 73).

Article 4. If in the North Sea or within the territorial waters of the Kingdom any person on board or belonging to a ship or vessel registered in the Netherlands sells spirituous liquor to, or exchanges spirituous liquor for any article with, any person on board another ship or vessel (being a fishing vessel) or belonging to such vessel, he shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding 200 guilders.

If in the North Sea or within the territorial waters of the Kingdom any person on board or belonging to a fishing vessel registered in the Netherlands purchases spirituous liquor from, or exchanges any article for spirituous liquor with, any person on board another ship or vessel or belonging to such vessel he shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding 100 guilders.

If the articles exchanged as described in the two foregoing paragraphs are fish, ship's stores or fishing gear, the offender shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding 300 guilders.

If the master of a ship or vessel registered in the Netherlands, or his deputy, fails to prevent an offence under one of the three foregoing paragraphs, although it is in his power to do so, he shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding 100 guilders.

The provisions of the four foregoing paragraphs shall also apply within the territorial waters of the Kingdom in respect of ships and vessels other than ships and vessels registered in the Netherlands.

2 As amended by Acts Nos. 262 of 30 December 1893 and 308 of 29 June 1925.
3 See infra, Second Part, Chapter II, Treaty No. 1.
The expression "spirituous liquor" shall include every liquid obtained by distillation and containing more than five litres of alcohol per hectolitre at a temperature of fifteen degrees Centigrade.

Article 6. (1) If in the North Sea or within the territorial waters of the Kingdom any person on board or belonging to a ship or vessel registered in the Netherlands carries on the traffic which is conditionally permitted under article III of the Convention but fails to produce when first summoned to do so, the licence referred to in the first paragraph of the foregoing article to an official responsible for detecting offences under this Act; or

(2) If within the territorial waters of the Kingdom any person on board or belonging to a ship or vessel registered in any other State which has adhered to the Convention carries on the traffic which is conditionally permitted under article III of the Convention but fails to produce, when first summoned to do so, a licence issued under that article by the State in which the ship or vessel is registered to an official responsible for detecting offences under this Act; or

(3) If within the territorial waters of the Kingdom any person on board or belonging to a ship or vessel registered in a State which has not adhered to the Convention carries on the traffic which is conditionally permitted under article III of the Convention, but fails to produce, when first summoned to do so, the licence prescribed in the final paragraph of the foregoing article to an official responsible for the detection of offences under this Act,

Then that person shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding 200 guilders.

Article 17. If within the territorial waters of the Kingdom any person on board or belonging to a ship or vessel not registered in the Netherlands is discovered in the act of committing an offence under this Act, the said ship or vessel shall be brought, if possible by a Netherlands warship, to the nearest or most convenient Netherlands harbour, unless the sum of 500 guilders, or an equivalent amount in foreign currency or banknotes, is deposited with the commander of the said warship as security for any fines and costs which may become payable upon conviction of the offender.

If such deposit is made, the commander of the last-named vessel shall issue an acknowledgement of receipt of the same and shall, if necessary require the master of the foreign vessel or his deputy to remove himself and the vessel outside the territorial waters without delay, or, if he refuses to comply, shall forcibly oblige him to do so.

If the procedure laid down in the first paragraph of this article is adopted, the second, third, fourth, fifth and sixth paragraphs of article 23 of the Penal Code shall not be applicable.
Surinam

(a) Resolution No. 6144A of 14 December 1951 providing for the insertion in the Gouvernementsblad of the text now in force of the Decree of 30 June 1897 (G.B. No. 22), containing amended provisions for the prevention of collisions or similar accidents at sea and in the rivers, streams, canals, anchorages, harbour mouths and sea channels of Surinam, and prescribing signals for vessels in distress or in danger and for vessels desiring a pilot.

Article 1. With a view to the prevention of collisions or similar accidents, steam and sailing vessels of Surinam register which are at sea and all steam, sailing and other vessels in rivers, streams, canals, anchorages, harbour mouths and sea channels of Surinam shall comply with the following provisions.

Reservation concerning regulations applying to harbours and inland waterways

Article 40. The terms of these provisions shall not affect the validity of any special provisions applicable to specified harbours, rivers or inland waterways.

Enforcement of the provisions

Article 46. In addition to the officials who are responsible, under general regulations, for the detection of punishable acts, the following shall also be responsible for ensuring observance of this Decree and for detecting the punishable acts mentioned therein: the Chief of the Pilot Service, the officers of the Royal Netherlands Navy, the harbour-masters, Government pilots and officials of the Harbour and Pilot Service; these shall transmit their official reports to the Procureur-General, the reports being made by virtue of the oath (undertaking) given on their entry on duty.

(b) Regulations of 18 March 1916 concerning the operation of ports in Surinam, as amended and amplified.

Article 10 bis. (1) The master of a vessel arriving in Surinamese waters from abroad shall, after berthing the vessel, without prejudice to any dues which are now or hereafter become payable by shipping under other general regulations, be liable to pay in each case, over and above the fees referred to in article 9 and subject to the succeeding provisions of these Regulations, the following dues:

1 Gouvernementsblad van Suriname, 1951, No. 165. Translation by the Secretariat of the United Nations.
2 Amended by G.B. 1951, No. 36.
3 Amended by G.B. 1951, No. 36.
5 By the (territorial) regulations of 23 December 1916 (Gouvernementsblad No. 88); 10 May 1922 (ibid., No. 56); 28 June 1940 (ibid., No. 102); 26 November 1940 (ibid., No. 161); 26 May 1943 (ibid., No. 62); and 26 March 1946 (ibid., No. 35).
(a) A beaconage of 0.10 guilders (ten cents) per net register ton or part thereof;
(b) Dock dues of 0.35 guilders (thirty-five cents) per ton or part of a ton of cargo imported and unloaded;
(c) Dock dues of 0.35 guilders (thirty-five cents) per ton or part of a ton of cargo loaded for export.

(2) The dock dues referred to in sub-paragraphs (b) and (c) of the preceding paragraph shall be calculated per ton of 1,000 kilograms by weight or per ton of one cubic metre by volume according to whether the freight per ton may be deemed to be calculated by weight or by volume.

(3) A vessel remaining in Surinamese waters for a continuous period of more than fourteen days shall be liable for the payments referred to in paragraph (1), sub-paragraphs (a), (b) and (c), for the first fourteen-day period or part thereof, and shall thereafter be liable only for demurrage of 0.10 guilders (ten cents) per net register ton of the vessel per period of fourteen days or part thereof.

(4) Any vessel arriving in Surinam for the first time which does not carry a Netherlands or foreign certificate of tonnage, and all vessels registered in Surinam, shall be subject to measurement in Surinam.

Article 10 ter. (1) The following shall be exempt from dock dues:
(a) Vessels carrying immigrants to Surinam or arriving in Surinam in order to take on immigrants, provided that they unload or load no goods or merchandise other than those required for consumption by the immigrants carried to Surinam or to be transported and by others on board, and goods intended for the Surinamese Government. If they unload or load goods other than or additional to the said goods they shall be subject to the provisions of article 10 bis, paragraph (1), sub-paragraphs (b) and (c);
(b) Vessels belonging to and in the service of the Government of the Netherlands, the Netherlands Indies, Surinam or Curaçao, unless, in the opinion of the Governor, their voyage has not been undertaken solely for official purposes;
(c) War vessels;
(d) Vessels which neither unload nor load cargo;
(e) Vessels entering by reason of an emergency which unload all or part of their cargo in order to carry out repairs, provided that the goods are re-loaded and, pending such re-loading, are kept under official guard and lock or seal, and provided also that no further cargo is loaded other than such coal or fuel oil and lubricating oil as the vessel may require for its own use if it is a steamship or motor ship.

(2) The vessels referred to in sub-paragraphs (a), (d) and (e) shall not qualify for the exemption referred to in paragraph (1) of this article unless they leave Surinam within thirty days after arrival.

(3) The ships referred to in paragraph (1), sub-paragraphs (a), (b) and (c), shall likewise be exempt from beaconage.
In the case of the ships referred to in sub-paragraph (a), such exemption shall be subject to the limitation provided by paragraph (2) of this article.

Article 16. The master of a vessel entering port or lying in the roads shall be under a duty to give all such information as the harbourmaster may require, to produce any ship’s papers, issued by any public authority and carried on board, which the harbourmaster may ask to inspect, and to
answer truthfully all questions put by the latter. No information shall be requested and no questions shall be asked concerning any matter other than the ship, the cargo, the crew, the passengers, the length, purpose and nature of the voyage, and such events as may have occurred during the voyage or the previous voyage.

Article 17. (1) If the master of a vessel leaves or attempts to leave without having obtained the necessary permission, the harbourmaster shall prevent him, or direct that he shall be prevented, from so doing, if necessary by force. The cost of such operation and the cost of guarding the vessel until the master has discharged his obligation shall be paid by the master before he leaves; notice of the said costs, accompanied by a specificaton, shall be served upon the person concerned by a servant of the public authorities on the harbourmaster's behalf, and shall be recoverable by summary execution. The said costs shall be calculated as prescribed by the Regulations of 5 December 1908 concerning the payment of costs relating to the import and export of goods (Gouvernementsblad 1909, No. 17), with the proviso that, if the services of officers or officials are not employed, the sums due in respect of the services of such persons as may be appointed for this purpose shall be double those prescribed by the said Regulations for the services of officers.

(2) The provisions of this article shall not apply to the masters of warships, public vessels and vessels intended to be used as fishing vessels.

Article 27. If the master of a vessel fails to pay the sum referred to in article 9, paragraph (1), the sum referred to in article 10, or the sums referred to in article 10 bis and, where applicable, any sum due under article 10 ter, upon receipt of the first warning from or on behalf of the harbourmaster or District Commissioner, he shall be liable to a fine of not more than 100 guilders.

Article 31. (1) In addition to the officers responsible for the detection of offences under article 8 of the Surinamese Code of Civil Procedure, harbourmasters, officers of the Royal Navy serving on a warship in Surinamese waters, ships' masters and officers in the Surinamese service, licensed pilots and revenue officials shall be authorized to detect any contravention of these Regulations and of any Orders issued pursuant hereto.

(2) The servants of the public authorities shall be under a duty to accede forthwith to any request for assistance made by any of the persons referred to in paragraph (1).

(c) Shipping Order of 1908, as amended

Article 3. Revenue officials, if provided with authorization to do so, and after presentation of such authorization upon request, may at all times and anywhere within the territory of Surinam inspect all vessels and their cargoes.

2 Ibid., 1940, No. 174.
In any case of suspected fiscal evasion, they are authorized to detain and search any vessel and to inspect all goods transported, including goods which, though not actually being conveyed at the time of inspection, are in fact being transported.

If, owing to the absence of keys, parcels can only be opened by breaking their locks, the officials shall open or have them opened in such a way that the least possible damage is done to the packing.

They are authorized to make a bodily search of persons who are on board, or going to or from, all vessels in rivers or waterways within the territory of Surinam, as well as of persons leaving the warehouses or places of temporary storage, in order to determine whether a violation of the import regulations has taken place.

They are similarly authorized, on suspicion of fiscal evasion, to search persons on gangways and landing-stages.

**Outward Clearance**

*Article 38.* Ships and vessels bound for a foreign port must obtain outward clearance in the manner prescribed in the following articles before their departure.

Clearance is *not required* for warships of any nation, provided that they are carrying no cargo obviously intended for purposes of trade, or for such other ships carrying no commercial cargo as the Governor may in special cases specify.

*Note.* See also: Convention on the International Régime of Maritime Ports, signed at Geneva, 9 December 1923 (Text to be found in Royal Decree of 21 March 1928, *Staatsblad*, 1928, No. 78) (infra, Second Part, Chapter I, Treaty No. 11).

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**Netherlands Antilles**

*Note.* The Ships Act of 1 July 1909 (see above, Netherlands (a)) was extended to the Netherlands Antilles by the Act of 19 July 1950 (*Staatsblad*, 1950, No. K 300). See also: Decree of the Governor of the Netherlands Antilles of 6 October 1930 concerning the control of the movements of ships in the ports and bays and in the territorial waters of Curaçao (*Publicatieblad*, 1930, No. 72), and the Convention on the International Régime of Maritime Ports, signed at Geneva on 9 December 1923 (*infra*, Second Part, Chapter I, Treaty No. 11) which is applicable in the Netherlands Antilles (Text to be found in *Publicatieblad*, 1928, No. 35).

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**Netherlands New Guinea**

(a) TERRITORIAL SEA AND MARITIME DISTRICTS ORDERANCE 1939 (PROVI-SONS CONCERNING THE MAINTENANCE OF ORDER AND SECURITY IN THE TERRITORIAL WATERS OF THE NETHERLANDS INDIES) ¹

*Article 1.* (1) In these provisions and in the provisions to be enacted pursuant thereto, the following expressions shall have the meanings respectively assigned to them:

1. "Netherlands Indies territorial sea" means:

I. The sea area extending to seaward to a distance of three nautical miles from the low-water mark of the islands, or parts of islands, which belong to Netherlands Indies territory (islands shall be taken to include the rocks, reefs and banks which emerge at the lowest tide and which are situated not more than three nautical miles from the low-water mark of the islands, or parts of islands, which belong to Netherlands Indies territory); subject to the following proviso:

A. In the locality of a bay, arm of the sea, river or canal mouth of which the Netherlands Indies is the sole coastal State, this distance of three nautical miles shall be measured from a straight line drawn across the opening of the bay, arm of the sea, river or canal mouth. If the width of the said opening exceeds ten nautical miles, this line shall be drawn across the bay, arm of the sea, river or canal mouth as close as possible to the entrance at the first point at which the width of the opening is not more than ten nautical miles;

B. In the locality of a group of two or more islands, this distance of three nautical miles shall be measured from the straight lines connecting the outermost points of the low-water marks of the islands on the outer edge of the group, at the point where the distance between these points is not more than six miles;

C. In the locality of straits which connect two areas of the high seas and of which the Netherlands Indies is the sole coastal State, the part of the straits enclosed by two lines drawn between the two shores at either end of the straits, as close as possible to the high seas at the first point where the breadth of the straits does not exceed six nautical miles, shall be deemed to be territorial sea, even if at other points within the two lines the breadth of the straits should be greater;

D. In the locality of straits not more than six nautical miles in breadth which connect two areas of the high seas and of which the Netherlands Indies is not the sole coastal State, the dividing line between the territorial sea of the Netherlands Indies and that of the foreign State shall be drawn through the middle of the straits;

II. The sea area situated to seaward of the sea area defined in section I above but lying within specified anchorage limits;

2. "Netherlands Indies sea territory (territorial waters)" means the Netherlands Indies territorial sea and, in addition, those parts of:

a. The coastal waters

b. The water area of bays, arms of the sea, river and canal mouths which are situated to landward of the territorial sea;

3. "Netherlands Indies internal waters" means all waters situated to landward of the Netherlands Indies territorial sea, including all rivers, canals, lakes and pools in the Netherlands Indies;

4. "Netherlands Indies waters" means the Netherlands Indies territorial sea including Netherlands Indies internal waters;

5. "Maritime districts" means the parts of Netherlands Indies waters designated, or to be designated, as such by the Governor-General.

(2) A nautical mile within the meaning of the foregoing section is equivalent to one sixtieth of one degree of latitude.
Article 2. (1) For the purposes of these provisions and of the provisions to be enacted pursuant thereto, the term "fishing" or "to engage in fishing" means:
   a. In general, any operation the direct or indirect purpose of which is to collect, catch or kill marine products;
   b. The taking on board by a vessel, in a maritime district, of fish or other marine products from another vessel (other than marine products intended for the personal use of the members of the company of the first vessel), and any operation, carried out by a vessel in a maritime district, the object of which is to make it possible to engage in fishing, or to facilitate fishing, with the assistance of another vessel;
   c. Any of the operations referred to in paragraph (1) a and b of this article carried out by or on behalf of or for the account of individuals, bodies corporate, partnerships or limited partnerships, companies, or shipowners.

(2) Notwithstanding the provisions of paragraph (3) of this article, the operations mentioned in paragraph (1) b shall not be deemed to constitute fishing if:
   a. In the case of ships and vessels flying the flag of a State with which the Kingdom of the Netherlands enjoys friendly relations, the operations in question are carried out within the anchorage limits of a seaport and within the anchorage limits of a place on the coast which is open to the ship in question under the Indies Shipping Act 1936 (Staatsblad No. 700), or, if these limits are not fixed, in the usual anchorages of these seaports and places;
   b. In the case of vessels flying the Netherlands flag, the operations in question are carried out in the anchorages referred to in a and within the anchorage limits, or, if these limits are not fixed, in the usual anchorage, of a place on the coast where there is a permanent customs house or auxiliary customs house, or (outside the customs area) where an official of the Netherlands Indies Civil Service or a harbour-master or acting harbour-master is stationed.

(3) In a maritime district, certain seaports and places on the coast may be designated by, or on behalf of, the Naval Commander, at which the operations referred to in paragraph (1) b of this article will only then be deemed not to constitute fishing, under the benefit of paragraph (2), if they are carried out at a mooring place in the anchorage to be designated by the competent harbour-master.

Article 3. Except as provided in articles 4 and 5, fishing in maritime districts shall be unlawful.

Article 4. (1) Indigenous inhabitants may engage in fishing in maritime districts.

(2) In so far as vessels are used for the purpose of such fishing, only vessels flying the Netherlands flag whose entire company consists of indigenous inhabitants may be used for these fishing operations.

(3) In special cases, exceptions to all or part of the provisions of paragraph (2) may be authorized by, or on behalf of, the Naval Commander, subject to such conditions as he considers desirable.

Article 5. (1) A licence to fish in maritime districts may be granted by, or on behalf of, the Naval Commander to Netherlands subjects, provided that maritime interests are not prejudiced.
Subject to the same proviso, a licence to fish in maritime districts may be granted by, or on behalf of, the Naval Commander to individuals who are not Netherlands subjects, or to bodies corporate, partnerships or limited partnerships, companies or shipowners governed by the provisions applying to Europeans, in the following cases only:

1. If the person or body covered by the prohibition laid down in article 3 is engaged in fishing, on the entry into force of this Ordinance, in the maritime districts in respect of which the licence to fish is applied for, as a legitimate business (occupation);

2. If there is a sufficient assurance that the fishing serves exclusively scientific purposes or is in the nature of a recreation or sport;

3. If the interests of the indigenous population are to benefit to a considerable extent by the grant of the said licence.

(2) The licence referred to in paragraph (1) shall be granted to the person on whose behalf or for whose account the fishing is to be carried on; the licence is not transferable and shall become void by operation of law on the death of the licensee, except as provided in the following paragraph.

(3) In the event of the death of the licensee, his heirs or successors may continue to fish, under the licence granted to the deceased, for not more than three months from the date of his death.

(4) The licence shall be granted for not more than five years but may be revoked at any time during this period by, or by authority of, the Naval Commander who shall be under no obligation to state his reasons.

(5) If a ship (or ships) or vessel(s) is (are) used for fishing, the licence shall be valid solely for the ship(s) or vessel(s) specified in the licence.

(6) Specific conditions may be attached to the licence.

Article 6. (1) As evidence of the grant of a licence under article 5, paragraph (1), a certificate shall be issued in conformity with a model to be prescribed by the Naval Commander.

(2) The said certificate shall state the following particulars:
   a. The name of the authority granting the licence;
   b. If the licence is subject to conditions, the precise conditions;
   c. If a ship (or ships) or vessel(s) is (are) used for fishing, the particular ship(s) or vessel(s) to which the licence relates;
   d. If a ship(s) or vessel(s) is (are) not used for fishing, the method of fishing used.

Article 7. (1) Subject to the provisions of paragraph (2) of this article, the master of a ship or vessel, or the person acting as such, shall be obliged:
   a. To ensure that a valid certificate, as specified in article 6, paragraph (1), relating to his ship or vessel, is at all times carried on board;
   b. To produce this certificate on the demand of the persons who are authorized by the general law, or by or pursuant to this Ordinance, to inquire into punishable acts.

(2) The provisions of paragraph (1) of this article do not apply to the master of a ship or vessel which is used for fishing for the account or on behalf of a person or body designated by the Naval Commander and holding a licence granted by virtue of article 5, paragraph (1).

Article 8. (1) The Naval Commander shall be empowered to prohibit or restrict fishing by persons authorized to fish in maritime districts or parts thereof pursuant to articles 4 and 5, and to prohibit or restrict shipping in maritime districts or parts thereof.
(2) Any measures of the kind referred to in the preceding paragraph shall be published in the *Javasche Courant*.

Article 9. (1) Except as permitted or authorized by, or on behalf of, the Naval Commander, it shall be unlawful:

a. To carry out land surveys or hydrographic operations in Netherlands Indies waters;

b. To make drawings or take photographs inside maritime districts or to make drawings or take photographs which show a maritime district or part thereof;

c. To collect data or information which relate to a maritime district and which may be of importance for defence;

d. In maritime districts, to land or take off by aircraft (other than aircraft belonging to the Royal Navy or to the Netherlands Indies or used in the service of the Royal Navy or of the Netherlands Indies), except in the landing areas reserved or to be reserved to air traffic under article 4 of the Air Navigation Decree of 1932 (*Staatsblad* 1933 No. 118).

(2) It shall be unlawful for members of foreign military forces to enter or to remain in maritime districts unless so authorized by, or on behalf of, the Naval Commander.

(3) Conditions may be attached to the authorizations mentioned in the preceding paragraphs of this article.

(4) These authorizations may be revoked at any time by, or by authority of, the Naval Commander who shall be under no obligation to state his reasons.

Article 10. (1) Except as provided in article 11, it shall be unlawful for the master of a ship or vessel, or the person deputizing for him, to anchor in, or to sail within, maritime districts, except so far as is necessary for the purposes of safe navigation.

(2) It shall also be an unlawful act if the master, or the person acting as master, of a ship or vessel which is used for fishing but has no right to engage in fishing in the particular locality, anchors or navigates his ship or vessel in Netherlands Indies territorial waters outside maritime districts; this provision shall not, however, apply in any case in which an operation as aforesaid is necessary for the purposes of safe navigation.

(3) In special cases and subject to whatever conditions are considered desirable, the provisions of the preceding two paragraphs may be waived by, or by authority of, the Naval Commander.

(4) All waivers granted by virtue of the foregoing paragraph shall lapse automatically, if and in so far as they conflict with a measure ordered under article 8, paragraph (1), on the day following that on which the measure in question is published in the *Javasche Courant*, unless some other date is specified.

(5) Thereafter, fresh waivers derogating from the provisions of paragraphs (1) and (2) may, however, be granted as provided in paragraph (3) of this article.

Article 11. (1) Except as provided in the subsequent paragraphs of this article, the provisions of article 10, paragraphs (1) and (2), shall not be applicable to:

a. Ships and vessels which belong to the Royal Navy or to the Netherlands Indies or which are used in the service of the Royal Navy or of the Netherlands Indies;
b. Ships and vessels flying the flag of a State with which the Kingdom of the Netherlands enjoys friendly relations, within the anchorage limits of a seaport and within the anchorage limits of a place on the coast which is open to the ship in question under the Indies Shipping Act 1936 (*Staatsblad* No. 700) or, if these limits are not fixed, in the usual anchorages of these seaports and places;

c. Ships and vessels flying the Netherlands flag, in places where the ships and vessels referred to in sub-paragraph b of this paragraph may anchor as well as within the anchorage limits or, if these limits are not fixed, in the usual anchorage, of a place on the coast where there is a permanent customs house or auxiliary customs house, or (outside the customs area) where an official of the Netherlands Indies Civil Service or a harbour-master or acting harbour-master is stationed;

d. Ships and vessels used exclusively for fishing, though this provision shall apply only in the maritime district in which they are authorized to fish under articles 4 and 5 of this Ordinance;

e. Sailing vessels flying the Netherlands flag which are owned by one or more indigenous inhabitants, whose entire company consists of indigenous inhabitants and which are registered in a seaport or place on the coast situated within the maritime district, though this provision shall apply only in the maritime district in question.

(2) Seaports and places on the coast within maritime districts may be designated by, or by authority of, the Naval Commander, in which, in derogation from the provisions of preceding paragraph, ships and vessels may not anchor or navigate elsewhere than in places designated by the local harbour-master.

(3) The provisions of paragraph (1), sub-paragraphs b to e inclusive, of this article shall not be applicable if, and in so far as, they conflict with any measure ordered pursuant to article 8; nevertheless, this provision shall be without prejudice to any fresh waiver granted under article 10, paragraph (5).

**Article 12.** (1) The following persons shall be liable to imprisonment for a term of not more than three months or to a fine of not more than 500 guilders:

a. Any person who engages in fishing in a maritime district without having the right to do so under article 4 or by virtue of a valid licence granted pursuant to article 5;

b. Any person who, without being thereby authorized by virtue of article 4, paragraph (3), contravenes the provisions of paragraph (2) of the said article;

c. Any person who alienates a certificate of the type referred to in article 6, paragraph (1) or who surrenders such a certificate, whether for valuable consideration or not, to another person for the latter's use or for some other purpose;

d. Any person who does not comply with any of the conditions attached to a licence granted to him pursuant to article 5;

e. Any person who does not fulfil his obligations under article 7, paragraph (1);

f. Any person who, not being entitled to the benefit of a waiver granted to him, contravenes a measure ordered and published by virtue of the provisions of article 8;
g. Any person who contravenes any of the prohibitive provisions of article 9 or who fails to comply with any of the conditions attached to an authorization granted to him pursuant to that article;

h. Any person who, without being entitled to do so under articles 10 and 11, anchors or sails his ship or vessel in a maritime district or in Netherlands Indies territorial waters.

(2) If in the course of the commission of the punishable acts specified in sub-paragraphs a, b, d and f of the preceding paragraph fishing operations are carried out with the assistance of a vessel, the following persons shall be liable to imprisonment for a term of not more than three months or to a fine of not more than 500 guilders:

a. The company of the vessel, unless there are reasonable grounds to believe that they did not participate in the fishing or did not directly or indirectly assist in the fishing;

b. The person in charge of the fishery enterprise in whose service the vessel is employed, unless he was not aboard the vessel at the time when the punishable acts were committed and provided that he took every reasonable step to prevent the fishing;

c. The person who deputizes for the person in charge of the fishing enterprise aboard the vessel for the purpose of the fishing operations.

(3) If, in the cases referred to in the preceding paragraph, the person in charge of the fishing enterprise, or the person deputizing for him, is aboard the vessel, the other members of the company shall only then be liable to punishment if they wilfully participated, or rendered direct or indirect assistance, in the fishing operations.

(4) The punishable acts referred to in this article shall be deemed to be offences (overtredingen).

(5) The objects, including the ships or vessels, with which or with the assistance of which the punishable act is committed and the objects which are obtained by means of the act may be confiscated.

(6) The maximum penalties mentioned in this article shall be doubled if the offence is committed within less than two years from the date on which an earlier sentence for an offence specified in this article became final.

(7) If the punishable acts referred to in this article are committed by or on behalf of a body corporate, then the penal proceedings shall be instituted against, and the punishment shall be imposed on, the managers and directors in the Netherlands Indies, or, in the absence or default of such persons, the representatives of the body corporate in the Netherlands Indies.

(8) The provisions of the preceding paragraph shall be applicable mutatis mutandis to bodies corporate acting in the capacity of managers or representatives for another body corporate.

Article 13. (1) The Naval Commander at Soerabaja, commanders of Her Majesty's warships and of naval air force stations, commanders of ships of the Navy of the Netherlands Indies Government and masters of ships of the Beacons and Coast Lighting Service, persons placed under the command of, and duly commissioned by, these commanders and masters, officers of the Navy of the Netherlands Indies Government in command of a local vessel, harbour-masters and officials acting as harbour-masters, pilots, djuragans of local vessels and such other persons as are designated by the Naval Commander shall be responsible for implementing and enforcing the provisions of this Ordinance.
In so far as necessary for the purpose of safeguarding the rights of the Netherlands Indies, the officials of the import and export and excise services shall, in addition to the persons enumerated above, be responsible for implementing and enforcing the provisions of this Ordinance.

**Article 14.** In addition to the persons generally responsible for inquiring into punishable acts, the persons specified in the preceding article shall be authorized to inquire into acts declared punishable by, or in provisions enacted pursuant to, this Ordinance and into offences against the prohibitive provisions relating to the import, export and transport of goods by sea and into the punishable acts specified in articles 167 and 168 (in so far as they refer to the illegal entry of pilot station ships, lightships and lighthouse installations), 196 to 199 inclusive, 324 to 326 inclusive, 438 to 443 inclusive, 447 to 451 inclusive, 473, 474 and 564 to 566 inclusive of the Penal Code.

**Article 15.** (1) The persons responsible for inquiring into the punishable acts referred to in the previous article shall be authorized, subject to the terms of article 17, to stop and search ships and vessels whose companies are suspected of committing, or of preparing to commit, acts which are contrary to the provisions enacted by or pursuant to this Ordinance, or the contraventions and offences (misdrijven) referred to in the preceding article. So far as the **djuragans** of local vessels are concerned, this authority shall extend only to fishing vessels and other vessels with a gross capacity of less than 100 cubic metres.

(2) The said persons may demand to see the ship's papers in order to verify the nationality of the ship, the shipowner, the port of registry and any other particulars capable of assisting the inquiry.

(3) They shall be authorized to confiscate any objects, including ships or vessels, which, it is presumed, were used or instrumental in the commission of the punishable act and any objects which, it is presumed, were obtained by means of the punishable act.

**Article 16.** Powers similar to those specified in the preceding article may be exercised in any case in which a ship or vessel in Netherlands Indies waters conducts itself in a manner prejudicial to the security, public order or other legitimate interests of the Netherlands Indies regulations, or in which there are reasonable grounds for supposing that such conduct is contemplated. If a ship of foreign nationality, present in territorial waters, is concerned, that ship may be required to leave these waters by the shortest route, or by a route specified for the purpose; if necessary, force may be used for the purpose of obliging it to leave.

**Article 17.** (1) The stopping or search of ships and vessels which are not Netherlands or Netherlands Indies ships or vessels must be effected (if at all) in Netherlands Indies waters, except as otherwise provided in paragraph (2).

(2) The pursuit of a vessel of foreign nationality by reason of the commission of a punishable act within the Netherlands Indies may, provided that the pursuit had begun while the vessel in question was in Netherlands Indies waters, be continued outside these waters, so long as the pursuit is not interrupted. The pursuit shall in any event be broken off as soon as the ship pursued enters the territorial sea of a foreign State.

(3) Before the commencement of the pursuit referred to in paragraph (2), the following provisions must be fulfilled:
1. Irrespective of the position of the investigating official, it must be proved, by the taking of bearing, or otherwise, that the offending ship, or one of its boats, by means or with the assistance of which the punishable act was committed, is within Netherlands Indies territorial waters;

2. A visual or auditory signal to stop must be given at such a distance that the foreign ship can distinguish the signal.

**Article 18.** The ship or vessel together with its company may be brought into a Netherlands Indies port in the vicinity in the following cases:

a. On the discovery *in flagrante delicto* of an offence or contravention within the meaning of article 14, and also in any case in which it is proved that conduct of the nature described in article 16 has occurred;

b. If there is reason to suppose that a punishable act within the meaning of article 14 has been committed or that conduct of the nature described in article 16 has occurred, and there is a danger that, by withdrawing from Netherlands Indies waters, by seeking to escape or otherwise, the ship may evade closer investigation;

c. If the ship is encountered in Netherlands Indies territorial waters and cannot produce a valid certificate of nationality or equivalent document;

d. If the ship is encountered in Netherlands Indies territorial waters without being authorized to pass through these waters and is carrying cargo which is liable to duty in the Netherlands Indies;

e. If the ship, being intended to be used for fishing and not having the right to engage in fishing in Netherlands Indies territorial waters, is encountered in the said waters without being authorized to pass through these waters; this provision shall not, however, be applied if the ship's presence is occasioned by *force majeure* or distress.

**Article 19.** By or pursuant to Government order provisions may be enacted which must be taken into account in the exercise of the powers specified in articles 13 to 18 inclusive.

**Article 20.** By or pursuant to Government order provisions may be enacted concerning the registration of sea-fishing vessels of foreign nationality which are authorized to engage in fishing in Netherlands Indies territorial waters or in maritime district and concerning the marks and distinguishing signs which the said vessels must display.

**Article 21.** By or pursuant to Government order provisions may be enacted for the protection of telephone, telegraph, and other submarine cables, for the prevention of the pollution of the sea by ships and for the purpose of ensuring orderliness and the safety of traffic in Netherlands Indies territorial waters.

**(b) Royal Decree of 29 December 1949 to Enact Provisions Concerning a Special Administration in New Guinea**

**CHAPTER ONE**

*New Guinea and its inhabitants*

**Article 1.** New Guinea comprises the territory of the former Residency of New Guinea.

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CHAPTER FOURTEEN

Article 176. 1. The places in New Guinea designated by ordinance as seaports shall be open to foreign trade, and the ships of all nations with which the Kingdom of the Netherlands maintains friendly relations shall have access to the said places, subject to reciprocity and to the observance of the general and local regulations.

2. In other respects, the admission of ships to New Guinea for the purposes of trade shall be regulated by or pursuant to statute.

(c) Act of 17 July 1936 to modify the seaport and shipping régime in the Netherlands Indies (Indies Shipping Act, 1936) ¹

Article 2. (1) The ports shall be open for foreign trade to seagoing ships flying the Netherlands flag or the flag of States with which the Kingdom of the Netherlands enjoys friendly relations, subject to reciprocity and to compliance with general and local regulations.

(2) Places on the coast may, by or pursuant to a Government Order be declared open for foreign trade to seagoing ships, as referred to in the preceding paragraph, of such type or tonnage as shall be specified by the said Order.

(3) Places on the coast may, by or on behalf of the Governor-General subject, where necessary, to such conditions as he may specify, be declared open for foreign trade to the seagoing ships referred to in paragraph (1) in special cases or with respect to specified goods.

Article 3. (1) Seagoing ships flying the Netherlands flag shall be entitled, subject to the provisions of the succeeding paragraph and to compliance with general and local regulations, to engage in coastal traffic.

(2) The cases in which a licence shall be required by the Governor-General for the exercise of coastal traffic may be determined by Government Order. The issue of such licence may be made subject to conditions.

(3) The condition concerning the flag prescribed by paragraph (1) may be waived by or on behalf of the Governor-General subject, where necessary, to such conditions as he may specify, in special cases or for specified routes or with respect to the carriage of specified goods.

Article 4. (1) Seagoing ships flying the Netherlands flag shall be entitled, at the seaports and places on the coast, to carry on operations other than those authorized by or pursuant to the provisions of articles 2 and 3, subject to the observance of general and local regulations.

(2) Seagoing ships flying the flag of States with which the Kingdom of the Netherlands enjoys friendly relations shall, subject to reciprocity and to compliance with general and local regulations, be entitled to carry on the operations referred to in paragraph (1):

(a) At the seaports;

(b) At places on the coast which are open for foreign trade to the seagoing ship concerned under the provisions of article 2, paragraph (2) or (3);

At places on the coast which are open for coastal traffic to the seagoing ship concerned under the provisions of article 3, paragraph (3).

(3) Places on the coast may by Government order be declared open for the operations referred to in this article to the seagoing ships referred to in paragraph (2) or to such groups of the said seagoing ships as may be specified by the said Government Order.

(4) Permission may in special cases be given by or on behalf of the Governor-General, subject, where necessary, to such conditions as he may specify, for the seagoing ships referred to in paragraph (2) to carry on the operations referred to in this article at a place on the coast.

Article 5.

(3) The seagoing ship by which, and the goods in respect of which, the contravention was committed may be seized.

(4) Execution may be levied upon the seagoing ships and goods referred to in the preceding paragraph for the payment of the fine imposed and the costs of the legal proceedings.

Article 7. This Act shall not apply:

(a) To warships and seagoing ships flying the Netherlands flag which are employed in the public service;

(b) In case of shipping disaster or emergency.

New Zealand

(a) Shipping and Seamen Act, 1952

PART VII. SAFETY

Prevention of Collisions

286. (1) Without limiting the general power to make regulations conferred by section five hundred and four of this Act, regulations may be made under that section with respect to ships and to seaplanes on the surface of the water for the prevention of collisions; and those regulations (in this Act referred to as the collision regulations) shall contain such requirements as appear to the Governor-General to be necessary to implement the provisions of such international treaties, agreements, and regulations for the prevention of collisions at sea as are for the time being in force.

(2) The collision regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall apply—

(a) To all ships and seaplanes which are locally within the jurisdiction of New Zealand, whether or not they are Commonwealth ships or seaplanes registered in or belonging to any Commonwealth country;

(b) To all Commonwealth ships and to all seaplanes which are registered in or belong to any Commonwealth country, whether or not they are locally within the jurisdiction of New Zealand or of any other Commonwealth country:

1 Text of Act provided by the Ministry for External Affairs of New Zealand.
Provided that, for the purposes of this section and of section two hundred and ninety-one of this Act, in so far as they apply to seaplanes, this section and sections two hundred and eighty-seven and two hundred and ninety-one of this Act shall be deemed to be the only provisions of this Part of this Act relating to the collision regulations or otherwise relating to collisions.

(3) In any case arising in any Court concerning matters arising locally within the jurisdiction of New Zealand or of any other Commonwealth country, all ships and seaplanes to which the last preceding subsection applies shall, so far as concerns the collision regulations and the said provisions of this Part of this Act, be treated as if they were New Zealand ships, or, as the case may be, seaplanes registered in or belonging to New Zealand.

(4) Any rules or regulations or by-laws made, whether before or after the passing of this Act, under the authority of any other Act shall, notwithstanding anything in this section or in the collision regulations, have full effect.

(5) For the purposes of this section seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water when they are in contact therewith.

(6) This section shall apply in the case of Her Majesty’s ships and of Her Majesty’s seaplanes as it applies in the case of other ships and seaplanes.

291. Whenever it is made to appear to the Governor-General that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions, should apply to ships or seaplanes registered in or belonging to that country when not locally within the jurisdiction of New Zealand or any other Commonwealth country, the Governor-General may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time and to any conditions and qualifications contained in the Order, apply to the ships and seaplanes of that country, whether or not they are locally within the jurisdiction of New Zealand or of any other Commonwealth country, and that those ships and seaplanes shall for the purpose of those regulations and provisions be treated as if they were New Zealand ships or, as the case may be, seaplanes registered in or belonging to New Zealand.

PART VIII. SHIPPING INQUIRIES AND COURTS

Inquiries as to Shipping Casualties

323. For the purposes of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur —

(a) When on or near the coasts of New Zealand any ship is lost, abandoned, stranded, or materially damaged or has been in collision with any other ship;

(b) When any loss of life ensues by reason of any casualty occurring to any ship in or near the coasts of New Zealand;

(c) When in any place any such loss, abandonment, stranding, material damage, or casualty as above mentioned occurs, and any witness is found in New Zealand:
When in any place any such loss, abandonment, stranding, material damage, or casualty as above mentioned occurs or is supposed to have occurred to any New Zealand ship:

When any Commonwealth ship is lost or is supposed to have been lost, and any evidence is obtainable in New Zealand as to the circumstances under which she proceeded to sea or was last heard of.

324. (1) Where a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by any Superintendent or by any other person appointed for the purpose by the Minister.

(2) For the purpose of any such inquiry the person holding the same shall have the powers of a Marine Inspector under this Act.

(3) Where any such inquiry is held, the person holding the same shall report his findings to the Minister.

(4) A person authorized as aforesaid to make a preliminary inquiry shall, in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation under section three hundred and twenty-five of this Act or a formal inquiry under section three hundred and twenty-eight of this Act should be held, report to the Minister accordingly.

PART IX. WRECK AND SALVAGE OF SHIPS AND AIRCRAFT

Ships and Aircraft in Distress

343. (1) Where any ship or aircraft is wrecked, stranded, or in distress at any place on or over or near the coasts of New Zealand or any tidal water within the limits of New Zealand, a Receiver having authority in the district in which that place is situate, upon being informed of the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the ship or aircraft and the lives of the persons belonging thereto (in this Part of this Act referred to as shipwrecked persons) and of the cargo and equipments of the ship or aircraft:

Provided that the Receiver shall not interfere between the master and the crew of the ship, or, as the case may be, between the person in command and the crew of the aircraft; nor shall the Receiver (otherwise than in compliance with a direction of the Minister given in pursuance of section three hundred and fifty-three of this Act) take into his possession any ship or aircraft, or any cargo or equipments belonging thereto, while that ship or aircraft remains in the possession of the master or person in command thereof, except with the consent of that master or person in command.

(2) The Receiver may, with a view to the preservation of the lives of the shipwrecked persons or of the ship or aircraft or of its cargo or equipments, —

(a) Require such persons as he thinks necessary to assist him:

(b) Require the master or other person having the charge of any ship or other vessel or boat near at hand to give such aid with his men or ship or other vessel or boat as may be in his power:

(c) Demand the use of any vehicle or horses that may be near at hand.

(3) Every person commits an offence against this Act who —

(a) Wilfully disobeys the lawful direction of a Receiver; or
(b) Refuses without reasonable cause to comply with any lawful requisition or demand made by a Receiver under this section.

347. (1) Where any ship or aircraft is or has been in distress on or over or near the coasts of New Zealand or any tidal water within the limits of New Zealand, a Receiver or any person lawfully acting as such shall, as soon as conveniently may be, examine on oath or affirmation any person belonging to the ship or aircraft, or any other person who may be able to give an account thereof or of the cargo or stores thereof, as to the following matters, that is to say:

(a) The name and description of the ship or aircraft;
(b) The names of the owners and the master of the ship, or, as the case may be, the names of the owners and the person in command of the aircraft;
(c) The names of the owners of the cargo;
(d) The ports from and to which the ship or aircraft was bound;
(e) In the case of a ship, the occasion of its distress;
(f) The services rendered; and
(g) Such other matters or circumstances relating to the ship or aircraft, or to the cargo or stores thereof, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing, and shall send it to the Minister.

(3) The person holding the examination shall, for the purposes thereof, have all the powers of a Marine Inspector under this Act.

Dealing with Wreck

348. (1) Where a ship or aircraft is wrecked, stranded, or in distress at any place on or over or near the coasts of New Zealand or any tidal water within the limits of New Zealand, any cargo or equipments or other articles belonging to or separated from the ship or aircraft which may be washed on shore, or otherwise lost or taken from the ship or aircraft, shall be delivered to the Receiver.

(2) Every person, whether the owner or not, who secretes or keeps possession of any such cargo or equipments or article, or refuses to deliver the same to the Receiver or any person authorized by him to demand the same, commits an offence against this Act.

(3) The Receiver or any person authorized as aforesaid may take any such cargo or equipments or article by force from the person so refusing to deliver the same.

350. (1) Where a Receiver takes possession of any wreck, he shall within forty-eight hours cause to be posted in the Customhouse nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished.

(2) The owner of any wreck in the possession of the Receiver, upon establishing his claim to the same to the satisfaction of the Receiver within one year from the time at which the wreck came into the possession of the Receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds delivered to him.
(3) Where any ship other than a New Zealand ship, or any aircraft which is not registered in and does not belong to New Zealand, is wrecked, stranded, or abandoned on or near the coasts of New Zealand or any tidal water within the limits of New Zealand, a trade or other representative in New Zealand of the Commonwealth country, or, as the case may be, a consular representative of the foreign country, in which that ship or aircraft may have been registered or to which that ship or aircraft may have belonged shall, if the Minister so directs, be deemed, in the absence of the owner and of the master of the ship or other agent of the owner or, as the case may be, in the absence of the owner and the person in command of the aircraft or other agent of the owner, to be the agent of the owner, as far as relates to the custody and disposal of that ship or aircraft.

(4) Where any wreck, whether or not belonging to or separated from any ship or aircraft to which the last preceding subsection applies, is found within the limits of New Zealand or is brought within those limits, and it does not appear that that wreck belongs to persons resident in New Zealand, a trade or other representative in New Zealand of the Commonwealth country, or, as the case may be, a consular representative of the foreign country, to which the owners of the wreck may belong shall, if the Minister so directs, be deemed, in the absence of the owners and of any other agent of the owners, to be the agent of the owners, as far as relates to the custody and disposal of the wreck.

Removal of Wrecked Ships and Aircraft

353. (1) If any ship or aircraft is sunk, stranded, or abandoned on or near the coasts of New Zealand or any tidal water within the limits of New Zealand, and there is no Harbour Board or person having jurisdiction under section two hundred and eight of the Harbour Act 1950 to remove or destroy that ship or aircraft, the Minister may, and shall, if in his opinion the ship or aircraft is, or is likely to become, an obstruction to navigation, direct a Receiver having authority in the district in which the ship or aircraft is situate to cause that ship or aircraft to be removed.

Offences in Respect of Wreck

354. (1) Every person who takes into any port out of New Zealand any ship or aircraft, stranded, derelict, or otherwise in distress, found on or near the coasts of New Zealand or any tidal water within the limits of New Zealand, or any part of the cargo or equipments thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, commits an offence against this Act, and shall be liable on conviction on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding one thousand pounds or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds.

(2) Every person, not being a Receiver or a person lawfully acting as such or a person acting by the command of any such person as aforesaid, commits an offence against this Act who boards or endeavours to board any ship or aircraft which is wrecked, stranded, or otherwise in distress on or near the coasts of New Zealand or any tidal water within the limits of New Zealand, unless he acts with the leave of the master of the ship or, as the
case may be, the person in command of the aircraft, and every such master or person in command may repel him by force.

(3) Every person commits an offence against this Act who —
   (a) Impedes or hinders, or endeavours in any way to impede or hinder, the saving of any ship or aircraft stranded or in danger of being stranded or otherwise in distress on or over or near the coasts of New Zealand or any tidal water within the limits of New Zealand, or of any part of the cargo or equipments of any such ship or aircraft, or of any wreck; or
   (b) Secretes any wreck, or defaces or obliterates any marks thereon; or
   (c) Wrongfully carries away or removes any part of a ship or aircraft stranded or in danger of being stranded or otherwise in distress on or near the coasts of New Zealand or any tidal water within the limits of New Zealand, or any part of the cargo or equipments of any such ship or aircraft, or any wreck; —

and every such person shall be liable for each offence to a fine not exceeding fifty pounds; and that penalty may be inflicted in addition to any other penalty to which that person may be liable by law under this Act or otherwise.

Salvage

356. (1) Where services are rendered —
   (a) Wholly or in part within New Zealand waters in saving life from any ship or aircraft, whether or not a New Zealand ship or an aircraft registered in or belonging to New Zealand; or
   (b) Elsewhere in saving life from any Commonwealth ship or any unregistered ship which is owned wholly by persons qualified to own a registered New Zealand ship, or any aircraft which is registered in or belongs to any Commonwealth country, —

there shall be payable to the salvor by the owner of the ship or aircraft or cargo or equipments saved a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life, when payable by the owners of the ship or aircraft, shall be payable in priority to all other claims for salvage.

(3) Where the ship or aircraft and its cargo and equipments are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Minister may in his discretion award to the salvor, out of any moneys appropriated by Parliament for the purpose, such sum as he thinks fit in whole or part satisfaction of any amount of salvage so left unpaid.

357. Where —
   (a) Any ship or aircraft is wrecked, stranded, or in distress on or over or near the coasts of New Zealand or any tidal water within the limits of New Zealand, and services are rendered by any person in assisting that ship or aircraft, or in saving the cargo or equipments thereof or any part thereof; or
   (b) Services are rendered by any person other than a Receiver in saving any wreck, —

there shall be payable to the salvor by the owners of the ship or aircraft or cargo or wreck a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.
PART XV. SEAMEN OF FOREIGN SHIPS

474. (1) Where under this Part of this Act complaint is made that a seaman or apprentice (not being a seaman or apprentice engaged in New Zealand and not being a slave) has deserted or absented himself without leave from any foreign ship at a port in New Zealand or elsewhere within the limits or territorial waters of New Zealand, a Magistrate or any two Justices, on proof of that desertion or absence without leave, may, and shall in any case where the terms of an Order in Council made under section four hundred and seventy-two of this Act or any notice referred to in subsection two of this Act or any notice referred to in subsection three of that section so require, direct that that seaman or apprentice be placed at any available opportunity on board the ship to which he belongs.

(2) Every seaman or apprentice so directed to be placed on board ship shall be detained in any convenient prison or place of security, and shall at any available opportunity be placed by any constable on board the ship to which he belongs; but no such seaman or apprentice shall, by virtue only of any such direction, be detained in custody for a longer period than one month or after the departure of the ship to which he belongs for any port beyond the limits of New Zealand.

(3) Every master of a foreign ship, and every other officer for the time being on duty in charge of any foreign ship, commits an offence against this Act who —

(a) Fails to receive on board any seaman or apprentice directed to be placed on board that ship pursuant to this section; or

(b) Connives at or is privy to any seaman or apprentice so placed on board leaving or escaping from the ship.

476. (1) Every seaman or apprentice belonging to a foreign ship commits an offence against this Act who, while that ship is at a port in New Zealand or elsewhere within the limits or territorial waters of New Zealand, —

(a) Wilfully disobeys any lawful command of the master or of any other officer of that ship; or

(b) Continues wilfully to disobey, or combines with any other of the crew of that ship wilfully to disobey, any such lawful commands; or

(c) Combines with any other of the crew of that ship to neglect duty, or to impede the navigation, discharge, or loading of the ship or the progress of the voyage.

(2) Every seaman or apprentice who commits an offence under this section shall for each such offence be liable on summary conviction to imprisonment for a term not exceeding —

(a) One month in the case of an offence under paragraph (a) of the last preceding subsection:

(b) Three months in any other case.

(3) Nothing in this section shall affect any powers which the master of a foreign ship may lawfully exercise for the maintenance of discipline on board that ship:

Provided that no person shall be punished twice for the same offence.

(4) Where any seaman or apprentice belonging to a foreign ship (not
being a seaman or apprentice engaged in New Zealand) has, under this section or otherwise, been sentenced to imprisonment for a term not exceeding three months, a Magistrate or any two Justices may, on the application of the master of the ship or of any constable, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be placed on board his ship for the purpose of proceeding on the voyage.

(5) Every master of a foreign ship, and every other officer for the time being on duty in charge of a foreign ship, commits an offence against this Act who —

(a) fails to receive on board any seaman or apprentice directed to be placed on board the ship pursuant to this section; or

(b) connives at or is privy to any seaman or apprentice so placed on board leaving or escaping from the ship.

477. (1) Every person commits an offence against this Act who —

(a) persuades or attempts to persuade any seaman or apprentice belonging to a foreign ship to desert or absent himself without leave from that ship at any port in New Zealand or elsewhere within the limits or territorial waters of New Zealand; or

(b) wilfully harbours or secretes any seaman or apprentice who has deserted or absented himself without leave from any foreign ship at any port in New Zealand or elsewhere within the limits or territorial waters of New Zealand, knowing or having reason to believe that seaman or apprentice so to have done, —

and shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one hundred pounds.

(2) Every person commits an offence against this Act, and shall be liable in respect of each offence to imprisonment for a term not exceeding one month or a fine not exceeding twenty pounds, who secretes himself on any foreign ship at a port in New Zealand for the purpose of going to sea on that ship without the consent either of the owner or other person for the time being responsible for the navigation and management of the ship, or of the master or any other officer of the ship, or of any other person entitled to give that consent; and any person who so secretes himself for the purpose of going to sea may be arrested without warrant.

PART XVI. LEGAL PROCEEDINGS AND DETENTION OF SHIPS

Prosecution of Offences

484. (1) Where the Governor-General is satisfied that the Government of any Commonwealth country other than New Zealand desires that the provisions of this Act which prescribe offences or which prescribe the circumstances in which any ship shall become liable to forfeiture, or any of those provisions, should, in accordance with their terms or subject to any limitation, apply in respect of foreign going ships registered in or belonging to that country when those ships are not locally within the jurisdiction of New Zealand, the Governor-General may by Order in Council declare that those provisions of this Act, or such of those provisions as are specified in the Order, shall (subject to any limitation set out in the Order) so apply.

(2) Notwithstanding anything in this Act, no Court shall, by virtue only of any provision of this Act, have jurisdiction —
To try for any offence committed beyond the limits and territorial waters of New Zealand any master, seaman, or apprentice belonging to or connected with any foreign going ship registered in or belonging to any Commonwealth country other than New Zealand; or

To try any owner or any other person for any offence committed beyond the limits and territorial waters of New Zealand on board or in relation to any such ship as aforesaid; or

To adjudge the forfeiture of any such ship as aforesaid or any share therein, if that liability to forfeiture was incurred beyond the limits and territorial waters of New Zealand, unless it has been declared by Order in Council under this section that the provisions of this Act which prescribe that offence or, as the case may be, that liability to forfeiture apply in respect of foreign going ships registered in or belonging to the Commonwealth country in which that ship is registered or to which she belongs, or otherwise than in conformity with the provisions of any such Order.

For the purposes of subsection two of section two hundred and eighty-seven of this Act, this section shall apply in the case of seaplanes registered in or belonging to any Commonwealth country, and in the case of the owners and pilots or other persons on duty in charge of those seaplanes, as it applies in the case of ships registered in or belonging to that country, and in the case of the owners and masters of those ships, respectively:

Provided that no Order in Council under this section shall be deemed to refer to seaplanes unless that Order expressly so provides.

Nothing in this Act shall be construed to be in derogation of any rightful jurisdiction of Her Majesty under the law of nations; and, subject to the foregoing provisions of this section and to section five hundred and thirteen of this Act, nothing in this Act shall be construed to affect or prejudice any jurisdiction conferred by any Act of the Parliament of Great Britain or of the United Kingdom which has effect as part of the law of New Zealand, or by any Act of the New Zealand Parliament, or now by law existing, in relation to matters arising within the limits or territorial waters of New Zealand or elsewhere.

(b) Harbours Act, 1950

2. In this Act, unless the context otherwise requires, —

"Harbour" or "port" includes any harbour properly so called, whether natural or artificial, and any haven, estuary, navigable lake or river, dock, pier, jetty, and work in or at which ships do or can obtain shelter, or ship or unship goods or passengers, and any harbour defined under this Act; and, when used in any provision relating to the jurisdiction or powers of a Harbour Board, extends to and includes the limits within which that jurisdiction or those powers may be exercised:

1 Text of Act provided by the Ministry for External Affairs of New Zealand.
“Harbour dues” and “dues” include any due, rate, fee, toll, tax, pilotage rate, port charge, or payment in the nature thereof payable or leviable under this Act or a special Act:

“Tidal lands” or “foreshore” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

PART III. HARBOUR DUES AND HARBOUR RATES

Harbour Dues

94. (1) Harbour dues shall be made by by-laws in the manner provided by this Act, and shall be chargeable equally to all persons in respect of the same description of ships, the same description of voyage, and the same description of goods.

(2) Except as provided by sections two hundred and four and two hundred and five of the Customs Law Act, 1908, and by the Protection of British Shipping Act, 1936, no foreign ship employed in the coasting trade of New Zealand, nor any goods carried in any such ship, shall, during the time the ship is so employed, be subject to any higher or other rate of harbour dues, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than ships registered in New Zealand employed in like manner, or goods carried in those ships.

Exemptions from Dues

117. (1) Nothing in this Act shall charge with any dues —

(a) Any ship of or in the service of the naval, military, or air forces of any Commonwealth country, or any stores or goods required for the use of the naval, military, or air forces of any Commonwealth country or of any allied force:

(b) Any ship in the naval, military, or air force service of any foreign Power:

(h) Any of the naval, military, or air forces of any Commonwealth country and any allied force and any constables, while travelling on duty, or their baggage with which they are travelling:

(i) Any ship employed solely for scientific, marine surveying, or exploration purposes.

(4) In this section, —

“Allied force” means a naval, military, or air force of any foreign country which is co-operating with any of His Majesty’s New Zealand Forces:

“Dues” does not include charges for the use of a Board’s tugs, or for labour or material supplied by a Board, and, notwithstanding anything to
the contrary in this or any other Act or in any rule of law, no exemption shall be allowed in respect of any such charge to any person or authority referred to in this section.

118. (1) Missionary ships not trading to or from any ports in New Zealand and not conveying goods for hire shall be exempt from all harbour dues except for services rendered by the officers or servants of the Board, and from pilotage rates, except where the services of a pilot are actually made use of.

(2) Pleasure yachts (being ships however propelled used exclusively for pleasure and not carrying goods or passengers for hire) shall be exempt from all harbour dues except for —

(a) Berthage not exceeding one penny per ton per day or one pound a year, whichever is the less; and

(b) Services rendered by the officers and servants of the Board; and

(c) Pilotage rates where the services of a pilot are actually made use of.

(3) Vessels employed exclusively in one or more of the industries of fishing, sealing, and oyster dredging, and not conveying goods for hire, vessels putting into any port in distress or through stress of weather or for water or provisions or to refit or for the purpose of docking only, and vessels calling at any port for orders, shall be exempt from all harbour dues, except for berthage, storage, dock, slip, or other accommodation actually provided and for services rendered by the officers and servants of the Board, and from pilotage rates, except where the services of a pilot are actually made use of:

Provided that if, after any vessel has put into port under circumstances conferring on it exemption from harbour dues and pilotage rates, any of its cargo is discharged for purposes of sale or any fresh cargo is taken on board in that port, the vessel shall thereupon become liable for those dues and rates as from the date of its entry into the port:

Provided further that the maximum rate of dues for berthage payable by vessels employed exclusively in one or more of the industries of fishing, sealing, and oyster dredging, and not conveying goods for hire, shall not exceed one penny per ton per day.

119. If any other vessel (whether laden with cargo or in ballast) for which harbour dues have been paid is obliged, from stress of weather or other sufficient cause, after leaving the harbour to return thereto with the same cargo or ballast, no further dues shall be payable, except for services rendered by the officers or servants of the Board.

PART V. PILOTAGE

Payment of Pilotage Rates

224. No pilot shall in any case conduct a ship to sea from any harbour unless the ship has been cleared outwards at the Customs, if subject to clearance, nor until the full amount of pilotage according to the rates for the time being fixed and established for the harbour has been paid.
General Exemption

225. All ships of not more than one hundred tons registered tonnage shall be exempted from compulsory pilotage.

Offences

226. Every person commits an offence against this Act who, being a pilot, demands or receives, or, being a master, offers or pays to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may for the time being be demandable by law.

(c) Oil in Territorial Waters Act, 1926

2. Interpretation. In this Act, unless the context otherwise requires, —

"Territorial waters" means any bay, gulf, harbour, river, lake, or other water included within the territorial limits of New Zealand.

3. Penalty for discharge of oil into territorial waters. (1) If any oil is discharged or allowed to escape, whether directly or indirectly, into any territorial waters—

(a) From any ship; or
(b) From any place on land; or
(c) From any apparatus used for the purpose of transferring oil from or to any ship to or from any other ship or to or from any place—

the owner or master of the ship from which the oil is discharged or allowed to escape, the occupier of the land, or the person having charge of the apparatus, as the case may be, shall be guilty of an offence, and shall in respect of each such offence be liable on summary conviction to a fine of five hundred pounds, and in the case of a continuing offence to a further fine of the same amount for every day or part of a day during which such offence continues, and shall also be liable to pay such amount as the Magistrate may assess in respect of the cost of removing such oil from such waters or from any foreshore or any harbour-works.

(2) All moneys payable in respect of the cost of removing oil as aforesaid shall, where the same are payable in respect of any harbour, or any harbour-works, or any part of the foreshore vested in the Harbour Board, be paid to the Harbour Board, and in any other case shall be paid into the Public Account to the credit of the Consolidated Fund.

(3) It shall be a good defence to proceedings against the owner or master of a ship for an offence under subsection one hereof if such owner or master proves that the escape or discharge of the oil was due to or made necessary because of a collision, and that subsequent to such collision all reasonable means were taken to prevent such escape or render such discharge unnecessary.

9. Power to inspect premises and ships. (1) The Minister may, if he thinks fit, either at his own instance or at the instance of any Harbour

1 Text of Act provided by the Ministry for External Affairs of New Zealand.
Board, appoint any officer of the Marine Department or other competent person to inspect any ship being in any territorial waters; and any person so appointed, or the Harbourmaster of the harbour in which the ship is, may at all reasonable times enter upon the ship and examine the measures adopted to prevent the escape of oil.

(2) If the Minister has reason to suspect that oil is escaping or has escaped, whether directly or indirectly, into any territorial waters from premises adjacent to or in the neighbourhood of those waters, the Minister may, if he thinks fit, appoint any officer of the Marine Department or other competent person to inspect the premises; and any officer or person so appointed may at all reasonable times enter upon and inspect the premises.

(3) The power conferred on the Minister by the last preceding subsection may be exercised by a Harbour Board in respect of premises adjacent to or in the neighbourhood of the harbour under its control.

(4) If any person obstructs or interferes with any person authorized to enter on any premises or ships under this section, he shall, on summary conviction, be liable in respect of each offence to a fine of ten pounds.

(d) Customs Law Act, 1908

204. Coastwise trade by ships of certain foreign countries. (1) If it appears to the Governor-General that British ships are subject in any foreign country to any prohibition or restriction as to the carrying of passengers or goods coastwise in that country, he may, by Order in Council, so far as treaty obligations entered into by His Majesty permit, impose such prohibitions or restrictions upon the ships of that country as to carrying passengers or goods coastwise in New Zealand, or as to carrying goods from any port in New Zealand to any port in any other British possession where a law similar to this section exists, as appear to him justly to countervail the disadvantages to which British ships are subject as aforesaid.

(2) On the arrival at any port in New Zealand of any ship of the country to which the Order relates, a copy of any such Order, together with a copy of this section, shall be delivered by the Collector of Customs to the master.

(3) If the master does any act in contravention of such Order the ship shall be forfeited, and shall be disposed of as directed by the Minister of Marine, and the proceeds of such forfeiture shall be paid into the Public Account and shall form part of the Consolidated Fund.

205. Power of Governor-General to restrict privileges of foreign ships and impose additional duties. If it appears to the Governor-General —

(a) That British ships are subject in any foreign country, either directly or indirectly, —

(i) To any prohibitions or restrictions as to the voyages in which they may engage, or as to the articles they may import into or export from such country: or

(ii) To any duties or charges of any sort from which the national ships of such country are exempt: or

(b) That any duties are imposed upon articles imported or exported in British ships that are not equally imposed upon the like articles imported or exported in national ships: or

1 The Public Acts of New Zealand, 1908-1931, vol. 8, pp. 466 et seq.
(c) That any preference is shown, either directly or indirectly, to national ships over British ships, or to articles imported or exported in national ships over the like articles imported or exported in British ships: or

(d) That British trade and navigation is not placed by such country upon as advantageous a footing as the trade and navigation of the most favoured nation, —

he may in any such case, subject to the provisions of the Imperial Act intituled “The Merchant Shipping Act, 1894,” by Order in Council, impose such prohibitions or restrictions, or such duties of tonnage, upon the ships of that country entering into or departing from the ports of New Zealand, or such duties on all goods or on any specified classes of goods imported or exported in the ships of that country, as appear to him justly to countervail the disadvantages to which British trade or navigation is so subjected as aforesaid.

206. Order in Council to specify ships to which it applies. In every such Order the Governor-General may specify what ships are to be considered as ships of the country to which such Order applies; and all ships answering the descriptions contained in such Order shall, for the purposes of such Order, be considered to be ships of such country.

(e) Customs Act, 1913, as amended

2. Interpretation. In this Act, except where a contrary intention appears, the following terms have the meanings hereinafter assigned to them, that is to say:

“Territorial waters of New Zealand” means any bay, gulf, harbour, river, or other water included within the territorial limits of New Zealand:

PART II. PORTS AND WHARVES

18. Ports of entry. (1) The Governor-General may from time to time by Order in Council, declare any port, harbour, or other place to be a port of entry for the purposes of this Act, and define the limits and determine the name of that port.

(2) The limits of any port of entry so declared may comprise any portion of the marginal or other waters of New Zealand though not included within the territorial limits of New Zealand.

PART VIII. ASSESSMENT AND RECOVERY OF DUTY

146. Liability of shipowners for duty on missing goods. (1) If any cargo or ship's stores are smuggled into or unlawfully landed in New Zealand...
from any ship being within the territorial waters of New Zealand or elsewhere, the owner and master of that ship shall (in addition to the liability of any other person) be jointly and severally liable for the payment of the duty on such cargo or stores, as if imported by them and entered for home consumption.

(2) The Collector at any port may demand from the owner or master of any ship at that port payment of any sum which he believes or suspects to be owing under the foregoing provisions of this section.

(3) If and so long as any sum so demanded by the Collector remains unpaid, the ship shall not be entitled to a certificate of clearance at any port.

(4) In all proceedings for the recovery of duty under this section, or for a refund of duty paid under this section, the sum so demanded by the Collector shall be presumed to be due and payable until the contrary is proved.

PART XI. POWERS OF OFFICERS OF CUSTOMS

165. Boarding of ships. (1) Any officer may board any ship... within... the territorial waters of New Zealand.

(2) The Collector may station an officer on board any ship in port, and the master shall provide suitable sleeping-accommodation in the cabin and suitable and sufficient food for that officer.

(3) If the master fails to provide accommodation or food in conformity with this section, he and the owner of the ship shall be severally liable to a penalty of five pounds for every day during which such default continues.

166. Searching of ships. (1) Any officer may search any ship... within... the territorial waters of New Zealand...

(2) In the exercise of this power of search an officer may, by force if need be, enter every part of the ship, and open any package, locker, or other place and examine all goods found on board.

168. Firing on ships. The commander or officer in charge of any ship in His Majesty's service (whether in respect of the Government of New Zealand or otherwise) having hoisted and carrying the proper ensign and pendant or the Customs flag may (whether in the territorial waters of New Zealand or elsewhere) chase any ship which, being within one league of the coast of New Zealand, does not immediately bring-to when signalled or required so to do, and may, after having fired a gun as a signal, fire at or into such ship to compel her to bring-to.

169. Securing goods on ships. (1) While any ship remains in any port or in the territorial waters of New Zealand an officer may secure any goods on board that ship and subject to the control of the Customs by fastening down hatchways and other openings into the hold and by locking up, sealing, or marking the goods, or otherwise as may be thought necessary, or by the removal of the goods to a King's warehouse or other place of security.

(2) If any fastening, lock, mark, or seal so placed by an officer upon any goods or upon any door, hatchway, opening, or place upon any ship is, at any time while the ship is in any port, or in the territorial waters of New Zealand, or in the course of any voyage between two ports of entry in New
Zealand, opened, altered, broken, or erased by any person except with the authority of an officer of Customs, the owner and master of the ship and the person so acting shall be severally liable to a penalty of one hundred pounds.

PART XIV. OFFENCES

216. Ships adapted for smuggling. If any ship comes or is found within one league of the coast of New Zealand or within the territorial waters of New Zealand having false bulkheads, bows, sides, or bottoms, or any secret or disguised place adapted for the purpose of concealing goods, or having any hole, pipe, or other device adapted for the purpose of smuggling or unlawfully importing or exporting goods, the master and owner of that ship shall be severally liable to a penalty of five hundred pounds.

PART XVI. FORFEITURES

250. Boats and vehicles forfeited. Every boat, vehicle, or animal used in smuggling goods, or in unlawfully conveying goods with intent to defraud the revenue of Customs, or in the importation or conveyance of prohibited imports or forfeited goods, shall be forfeited.

253. Where goods may be seized. Goods may be seized as forfeited wherever found, whether on land in New Zealand or in the territorial waters of New Zealand...

PART XVII. DETENTION OF SHIPS

266. Ships liable to detention. When any offence has been committed for which the owner or master of a ship is liable as such to a penalty under this Act, or when the owner or master of a ship has used the ship or suffered it to be used for the purpose of smuggling, or unlawfully importing, exporting, or conveying any goods, the ship shall be liable to detention in accordance with the provisions of this Part of this Act.

267. Seizure of ships. (1) Any officer of Customs may seize any ship which is liable to detention under this Act or which he has reasonable and probable cause for believing or suspecting to be so liable.

(2) Any such seizure may be made in the same manner as a seizure of forfeited goods.

(3) No ship shall be so seized at any time except within one year after the act or event which rendered it liable to detention.

268. Where ships may be seized. No ship shall be so seized elsewhere than in a port of entry or the territorial waters of New Zealand...
Article 6. The entry of a vessel shall be deemed to take place at the moment at which it crosses into the territorial waters of the Republic. The master shall, by the fact of entering, become subject to these Regulations in so far as they are applicable. If, because there is no wind, the vessel is unable to enter the anchorage, the harbour pilot shall inform the master of the vessel that he must produce the certificate of registry at the custom-house, and the harbour-master and the director of customs shall place a guard on board the vessel to ensure that no ballast is jettisoned and that nothing is unloaded.

Article 7. Save as otherwise provided, a foreign merchant-vessel shall pay harbour dues, tonnage dues, pilotage, light dues and any other charges payable in respect of the entry.

Article 8. A warship, irrespective of its nationality, shall be exempt from the payment of any kind of charge.

Article 9. Commercial traffic in areas in which such traffic is not authorized by the Government shall be strictly prohibited, and any person who contravenes this provision shall be liable to the prescribed penalties.

Article 10. Commercial traffic between a free port and a non-recognized port shall likewise be prohibited. If any ship or vessel carries goods in contravention of the foregoing provisions, the master or skipper thereof and any accomplice, assistant or receiver shall be liable to the prescribed penalties, which shall be imposed by the proper authorities.

Article 11. Commercial traffic carried from a free port to any recognized port at which there is a custom-house shall be deemed to be foreign commercial traffic.

Article 89. Every vessel which enters a port of the Republic shall be inspected forthwith by the harbour-master, who may, if the director of customs so orders, be accompanied by an official of the Ministry of Finance. The harbour-master shall deliver personally to the master of the vessel a copy, printed in the Spanish, English and French languages, of the obligations and penalties to which the master of the vessel shall be subject during his presence in the port, and shall obtain a receipt therefor.

Article 94. No person on board a vessel shall be permitted to communicate with a person in the port until the harbour-master's inspection has been completed.
Article 99. If, under an agreement between the Republic and another country, cargo taken on at the ports of that other country must be accompanied by a custom-house permit, any vessel coming from that country shall, in respect of cargo taken on at any such ports, be required to produce the custom-house permit together with the manifest.

Article 100. In the case of foreign mail-ships and of ships to which the Government of the Republic has granted privileges, the provisions of the relevant agreements, and of any regulations made or to be made pursuant to the agreements, shall be applied.

Article 102. Warships and military transports of friendly nations shall not be subject to any formalities whatsoever, but if carrying private cargo, they shall comply with the regulations prescribed for merchant vessels.

Article 114. If it is proposed to discharge gunpowder, dynamite, military stores, explosive or inflammable objects, cartridges, rockets, friction matches, nitro-glycerine, petroleum or goods of like nature, the ship's representative shall first apply to the director of customs and the harbour-master for permission so that all necessary precautionary measures may be taken by them.

The master of a vessel which is engaged in the carriage of such goods shall ensure that the vessel does not come into contact with other vessels while in transit and shall impose a ban on smoking in the vessel.

Article 115. Where a warship, military transport or merchant vessel is discharging supplies for an establishment maintained by a foreign power, the director of customs shall appoint an officer who shall, if necessary, accompany the supplies to the warehouse or other place in which they are to be deposited.

Article 235. No small vessel of any kind may navigate in an estuary or inlet on the Pacific coast of the Republic without prior permission of the director of customs of the nearest recognized port approved by the Government.

An offence against this provision shall be punished by the seizure of the vessel and of any goods carried by it and by a fine of 25 pesos. These penalties shall be imposed, by the authorities responsible for the prevention of smuggling, upon the owner or master of the vessel and may be commuted to an equivalent number of days of work for the account of the State.

Norway

(a) Act No. 2 of 21 August 1914 respecting measures for the safety of navigation

Article 1. The King may:

(a) Make rules on the manner in which vessels shall be navigated and on the signs and signals which vessels shall carry to prevent collision with other vessels;

1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
(b) Specify the signals which vessels shall exhibit to indicate that they are in distress;

(c) Prescribe the procedure to be followed on board ship when a potential danger to navigation is discovered or notified or a request for help is received from a vessel in distress.

Article 2. The King may prescribe that the specified distress signals shall be used only to signal distress, and he may prohibit the use of private signals which are apt to be confused with the specified distress signals.

Article 3. The King may prescribe that the owners of steamships following regular routes shall publicly announce the routes to be taken by their ships at sea.

(b) Royal Decree of 21 March 1952

(1) Pursuant to article 1 of the Act of 21 August 1914 respecting measures for the safety of navigation rules, as embodied in a draft which has been submitted, are hereby made for the prevention of collisions between vessels and the use of distress signals.

PART A. INTRODUCTION AND DEFINITIONS

Rule 1

(a) Save as otherwise provided in rule 30, these rules shall be observed by all vessels and seaplanes on the open sea and in all adjacent waters that can be navigated by seagoing vessels. If it is impossible for a seaplane, because of its special type of construction, to comply fully with the provisions of the rules governing the showing of lights and signals, it shall comply with those provisions as closely as circumstances permit.

(b) The rules governing the showing of lights shall be observed in all kinds of weather from sunset until sunrise. During this period no other lights may be shown except lights which cannot be confused with, or cannot reduce the visibility or obscure the distinguishing characteristics of, the required lights. The lights other than required lights shall likewise not impede the keeping of an effective watch.

(c) Save as the context may otherwise require, the following words and expressions shall in these rules be assigned the following meanings:

1. The word "vessel" includes any craft, with the exception of a seaplane on the water, which is or can be used for water transport;

2. The word "seaplane" includes any flying boat and any type of aircraft built for manoeuvring on the water;

Rule 30. Reservation to rules concerning navigation in harbours or inland waters

Nothing in these rules shall bar the application of special rules, made in due form by a local authority, concerning navigation in harbours, rivers, lakes or inland waters, including areas reserved for seaplanes.

1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
(c) CUSTOMS ACT OF 22 JUNE 1928, AS AMENDED BY ACT
OF 7 JUNE 1929

CHAPTER 1

The Customs Service and customs supervision in general

Article 1. For the purposes of this Act:

The term "vessel" means any ship, boat, barge or the like capable of
being used for water transport;
The term "aircraft" means any flying machine, dirigible airship or the
like capable of being used for air transport;

Article 3. The provisions of this Act with regard to customs supervision
and the transport of goods shall, in respect of traffic by sea, apply to traffic
on all waters within the general territorial sea frontier.
The King may also establish an outer customs frontier within which the
provisions of the Act with regard to customs supervision over vessels, the
unloading and loading of goods coming from or going to other countries
and the dispatch of goods within the country shall likewise apply.

Article 4. All vessels within the customs frontier shall be subject to
supervision by the customs inspection authority and may be closely searched,
be locked or sealed or be placed under guard by the said authority as it
sees fit.
The customs inspection authority may, if it sees fit, prohibit unauthorized
access to a vessel until the search has been partly or entirely completed.

Article 5. When the customs inspection authority signifies that it wishes
to effect contact with a vessel under way, the master of the vessel shall
reduce speed or bring the vessel to in order that the contact may be effected.
If the customs inspection authority wishes to board a vessel, the master
shall provide the necessary assistance for that purpose and for leaving the
vessel.

CHAPTER 9

Dispatch of goods within the country and coasting trade

Article 125, third paragraph, now reads as follows:
The King, or the person authorized by him for the purpose, shall deter-
mine whether, and to what extent, the provisions of this Act in respect of
traffic to and from other countries shall apply to traffic to and from Sval-
bard, Jan Mayen and fishing grounds on the high seas.

1 Text provided by the Permanent Mission of Norway to the United Nations.
Translation by the Secretariat of the United Nations.
CHAPTER 12
Air traffic to and from other countries

Article 151 now reads as follows:
The King shall determine whether and to what extent military, customs and police aircraft shall be exempted from the provisions of this Act.

Pakistan

MERCHANT SHIPPING ACT, 1923 (XXI of 1923) ¹

PART VI
Special Shipping Inquiries and Courts

246. (1) For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur when—
(a) On or near the coasts of [the Provinces and the Capital of the Federation], any ship is lost, abandoned, stranded or materially damaged;
(b) Any loss of life ensues by reason of any casualty happening to, or on board of, any ship on or near those coasts;
(c) On or near those coasts, any ship causes loss or material damage to any other ship;
(d) In any place any such loss, abandonment, stranding, damage or casualty occurs to, or on board of, any British ship, and any competent witness thereof is found at any place in [the Provinces and the Capital of the Federation]; or
(e) Any British ship is supposed to have been lost, and any evidence can be obtained in [the Provinces and the Capital of the Federation] as to the circumstances under which she proceeded to sea or was last heard of.
(2) In sub-section (1), the word "coasts" includes the coasts of creeks and tidal rivers.
(3) In the cases mentioned in clauses (a), (b) and (c) of sub-section (1), the master, pilot, harbour-master or other person in charge of the ship, or (where two ships are concerned) in charge of each ship, at the time of the shipping casualty, and
in cases under clause (d) of sub-section (1), where the master of the ship concerned or (except in the case of a loss) where the ship concerned proceeds to any place in [the Provinces and the Capital of the Federation] from the place where the shipping casualty has occurred, the master of the ship
shall, on arriving in [the Provinces and the Capital of the Federation], give immediate notice of the shipping casualty to the nearest Magistrate [and also to the officer appointed in this behalf by the [Central Government.]]
(4) Any person bound to give notice under this section and wilfully failing to give the same shall be liable to a fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

¹ Text of Act provided by the Permanent Mission of Pakistan to the United Nations.
247. (1) Whenever any [such officer] receives credible information that a shipping casualty has occurred, he shall forthwith report in writing the information to the [Central Government], and also to the [Provincial Government] on or near whose coasts the casualty occurred, or within whose territories any witness resides, or evidence can be obtained as the case may be; and may proceed to make a preliminary inquiry into the casualty.

(2) Any such officer —

(i) May go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

(ii) May enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(iii) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(iv) May require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(v) May administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(3) An officer making a preliminary inquiry under this section shall send a report thereof to the [Central Government] and shall send a copy thereof to the [Provincial Government].

255. (1) If any Court making an investigation under this Part thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorise any officer (subject, nevertheless, to any general or special instructions from [the Central Government]) to enter any vessel.

(2) Any officer so authorised may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest.

(3) No person shall be detained by virtue of this section for more than forty-eight hours.

Peru

PORT AUTHORITIES AND NATIONAL MERCANTILE MARINE REGULATIONS, APPROVED BY PRESIDENTIAL DECREES. 21 OF 1 JANUARY 1952

FIRST PART. PORT AUTHORITIES

Title I. Organization, jurisdiction and powers of Port Authorities

Chapter II. The jurisdiction of Port Authorities

Article 6. For the purposes of these regulations, the jurisdiction of the Port Authorities (Capitanías de Puerto) shall extend to:

\(^1\) Text of Regulations provided by the Ministry for Foreign Affairs of Peru. Translation by the Secretariat of the United Nations.
(a) The territorial sea and inland waters (rivers and lakes) of Peru, as defined by the laws in force;
(b) The property and staff of the national mercantile marine, as defined in Titles VII and VIII of these Regulations, and foreign merchant vessels for the time being within Peruvian territorial waters.

Title III. The police powers of the Maritime Authority

Chapter I. The policing of the territorial sea and inland waters

Article 31. A harbourmaster (capitán de puerto) shall have power, in his capacity as Chief of the Maritime Police, to order the detention for a period not exceeding twenty-four hours of any person who commits a minor offence (falta) within the area under his jurisdiction; if, however, the offence is serious or a criminal offence (delito) the harbourmaster shall order the accused to be arrested, report the offence to the competent court, place the detained person, within twenty-four hours, at the disposal of the court, submitting at the same time a statement setting forth the circumstances, and notify the local political authority.

The penalty of detention referred to in the foregoing paragraph may be replaced by a fine of 100 soles.

Article 36. Any person who is aggrieved by a penalty imposed by the Maritime Authority may appeal against such penalty. The appeal shall be made within twenty-four hours through the harbourmaster who made the order in question; the harbourmaster is under a duty to receive the appeal and to transmit it without delay to the Directorate of Port Authorities together with his report. If the appeal is against a fine, the application shall be accompanied by the document certifying that the fine has been paid.

Article 38. (a) In the exercise of his police function a harbourmaster shall have power to request, or if necessary to compel, the appearance in his office of any person whatsoever, whether a Peruvian national or an alien, and whether living or employed aboard ship or ashore. Where necessary, the harbourmaster may request the assistance of the local political authority or police.

Article 48. It shall be unlawful for the captains and masters of ships of any flag and for the owners of vessels to harbour or conceal on board criminals of Peruvian or other nationality or deserters from the Navy or from any other of the armed services.

Chapter II. Anchorages—Moorings or mooring buoys—Ballast—Refuse and Garbage

Article 58. In the event of international hostilities, the harbourmaster shall direct merchant vessels to the safest anchorage, giving preference to
Peruvian vessels, and shall, if necessary, make representations to the commanding officers of foreign warships with a view to impressing upon them the need to clear the anchorage.

Article 75. (a) The harbourmaster shall ensure the maintenance of order and shall supervise the policing of Peruvian and foreign merchant vessels in accordance with these Regulations. The police power of the maritime authorities shall prevail over all others; accordingly, the captains of vessels must submit to such inspections and searches as the said authorities consider necessary, in particular if the object of the search is the discovery and arrest of criminals or deserters who may have taken refuge on board.

(b) A harbourmaster shall not, however, intervene in any brawls or disturbances occurring on board a foreign merchant vessel among members of its crew unless the consul of the country concerned requests such intervention in writing or such disorders disturb the public peace. If there is no consul at the port, the request referred to must be made by the captain of the vessel, its owner, consignee or agent, in the order named.

Article 76. Any vessel which enters the anchorages of the guano islands without express permission shall be seized in pursuance of article 18 of the Code of Customs Procedure.

Title V. Merchant vessels and small craft

Chapter I. Arrival in port of merchant vessels; conditions governing admission

Article 168. (a) The owner or agent of any Peruvian or foreign vessel is required in every case to give the Port Authority advance notice of the time of arrival.

(b) The agent or consignee of a vessel carrying explosives is required, in addition, to give eight days’ advance notice of the date of arrival.

Article 185. (a) Each vessel shall be inspected first by the Maritime Health Service. If the inspection carried out by that Service does not disclose any reason for placing the vessel in quarantine, it shall be granted pratique; but if it must be isolated on the grounds of infection or suspicion of infection, the Port Authority shall be informed accordingly and a suitable anchorage shall be arranged by mutual agreement, where the vessel shall remain under the supervision of the Port health authorities and of any other port authorities concerned.

(b) The Port Authority’s inspection shall take place after that of the Health Service and not before the Health Service has granted pratique.

Chapter II. Departure of merchant vessels

Article 214. (a) Every vessel proceeding abroad must be in possession of the appropriate bill of health (patente de sanidad); if it is to call at Peruvian ports, it must also carry a health certificate (pasaporte sanitario).
(b) Vessels which do not leave territorial waters shall be required to produce only the health certificate. There shall be two types of certificate, one for large vessels and the other for small craft of less than 100 tons.

(c) Bills of health and health certificates shall be issued free of charge by the health authorities and must be endorsed by the harbourmaster.

(d) Where there is no health authority, the bills and certificates of health shall be issued in the same manner by the harbourmaster, who shall specify that he is acting in lieu of a health authority.

Chapter VI. Warships—Admission to, presence in and departure from Peruvian ports

Article 307. Notice of the arrival of any foreign warship at a Peruvian port, other than a call occasioned by necessity, shall be given in good time to the harbourmaster by the Naval High Command.

Article 308. The number of foreign warships that may visit Peru in time of peace is not subject to any restriction.

Article 309. (a) The inspections of the Maritime Health Service and of the Port Authority must take place before any visits are permitted, including visits by diplomatic and consular officials.

(b) In the case of a warship the health inspection may be waived, provided that it has not arrived from a port which is infected or suspected of infection.

(c) Certificates attesting to health conditions on board signed by the ship's medical officers may be accepted as sufficient for the purposes of the waiver of inspection.

(d) Warships shall be exempt from customs formalities, but the restrictive provisions of articles 55 and 56 of the Code of Customs Procedure shall apply.

(e) When conducting the inspection prior to the admission of warships the harbourmaster shall wear the uniform prescribed in the relevant regulations, except that, in heavy weather, he may wear his daily uniform with sword. Pilots, and officers and chief officers of the Maritime Patrol, acting for the harbourmaster shall on these occasions wear the uniform which is in keeping with their rank.

Article 314. (a) In time of peace, the duration of the presence of foreign warships in Peruvian ports and territorial waters shall not be subject to any limit; nevertheless, the Port Authority, acting on the instructions of a higher authority, may give any such warship eight hours' notice directing it to leave.

(b) In time of war, the duration of the presence of belligerent vessels must not exceed twenty-four hours, except in so far as international law provides otherwise. The terms of this regulation shall be notified to a vessel immediately upon its arrival at a port or in territorial waters, or, if it is already in territorial waters when war is declared, immediately upon receipt of official notification of such declaration.

Article 315. While present in Peruvian ports or territorial waters, foreign warships shall be required to observe the provisions of international law and the Naval Police Regulations. Any breach of the said provisions
or Regulations shall be brought to its attention by the harbourmaster. The harbourmaster shall immediately report to the Directorate of Port Authorities and request instructions, in the event of this action not being effective.

**Article 316.** It is hereby declared absolutely unlawful to carry out a death sentence on board any foreign warship present in a Peruvian port and in territorial waters of Peru.

**Article 317.** In time of war, no belligerent ship shall use Peruvian waters as a base of operations or for the purpose of replenishing or supplementing its munitions, armament or crew, or for the purpose of setting up wireless stations or any other means of communication with its armed forces, or of carrying out, in the case of damaged vessels, more repairs than those necessary for the continuation of the voyage.

**Article 318.** Except where special authorization has been granted through the diplomatic channel, in which case the maritime authority shall be duly advised, it is likewise unlawful for foreign warships:

(a) To carry out hydrographic and topographical surveys;
(b) To hold gunnery practices, or exercises with torpedos, mines, searchlights and vessels armed for battle;
(c) To land armed personnel;
(d) To allow any aircraft carried by them to make flights;
(e) In the case of submarines, to enter ports and territorial waters submerged or to submerge while in port or in territorial waters.

**Article 319.** A harbourmaster, in agreement with the competent Maritime Authority, shall designate the areas within his jurisdiction in which foreign warships specially authorized as aforesaid may carry out gunnery practices or submerge.

**Article 320.** So long as no order has been made suspending or restricting their use, means of communication by wireless telegraphy or radiotelephony may be employed by foreign warships in Peruvian ports and territorial waters, provided that they observe the regulations of international conventions and subject to prior approval of time tables and frequencies by the maritime authority of the port.

**Article 321.** It shall be permissible for foreign warships:

(a) To land their crews unarmed. The number of persons allowed ashore may be limited at the discretion of the maritime authority;
(b) To land their police, unarmed, subject to the prior authorization of the maritime authority. Officers may land wearing swords.
(c) To land detachments, armed or unarmed, to render military honours, subject to no prior authorization of the Ministry of Marine issued through the harbourmaster.

**Article 322.** A warship of a belligerent power shall be permitted in time of war to take on board at a Peruvian port as much fuel and food supply (but not more) as will enable it to reach the nearest refuelling port in a neighbouring country. It may not refuel at a Peruvian port within the three months following its previous refuelling at a Peruvian port.

**Article 323.** The harbourmaster shall be required to furnish any information and any assistance that may be requested of him by the commanding officers of Peruvian warships.
Chapter IX. The apportionment of liability in cases of disasters at sea

Article 345. The law applicable to collisions affecting vessels is solely and exclusively the law of the country in whose territorial waters the collisions occur, and the vessels themselves are subject to the jurisdiction of that country's courts.

Article 346. If a collision occurs outside territorial waters, the law applicable is the law of the country in which the vessels affected are registered.

Article 347. (a) In the special case of a collision affecting vessels registered in different countries, the law of the State which is more favourable to the owner shall apply.

(b) In the circumstances described in the foregoing paragraph, the courts of the country where the vessels first put in shall have jurisdiction.

(c) If the vessels affected put in at ports of different countries, the jurisdiction of the authorities which first deal with the case shall prevail.

SECOND PART. THE NATIONAL MERCANTILE MARINE

Title VII. The material equipment of the Mercantile Marine

Chapter VIII. Classification of merchant shipping

Article 484. (a) Peruvian or foreign merchant vessels arriving from abroad may put in directly at any port equipped with full customs facilities, provided that they observe the health and other regulations of the port.

(b) Vessels arriving from abroad may, after putting in at a major port, be directed to proceed to other Peruvian ports.

(c) Foreign vessels may enter major ports to discharge and take on board cargo originating from or destined for foreign ports, and passengers travelling to any port whether in Peru or abroad.

(d) Foreign vessels may not call at minor ports except to take on board cargo for abroad. The special permission of the customs authorities at the nearest major port is required for the discharge of cargo brought from abroad (at minor ports).

Article 485. It shall not be permissible for Peruvian or foreign vessel arriving from abroad:

(a) To put in directly at minor ports, or at islands or other places where there are guano deposits, except with the special permission of the Directorate of Port Authorities;

(b) To put in directly at harbours or points on the Pacific seaboard of Peru other than those referred to in the foregoing paragraph, except with the special permission of the Directorate of Port Authorities;

(c) To touch at intermediate ports not mentioned in the sailing permit, in cases in which the vessel is proceeding directly from abroad to a specified major port of Peru, except with the special permission of the Director of Port Authorities;

(d) To make unnecessary use of sound and light signals in the neighbourhood of islands and other places on the Pacific seaboard where there are guano deposits;
In the case of foreign vessels, to engage in coastwise shipping, except in so far as authorized by the Government.

Title VIII. The personnel of the National Mercantile Marine

Chapter VII. The functions and duties of ship's captains

Article 581. (a) It is the duty of the captain to detain on board any stowaway and to surrender him to the Peruvian or foreign maritime authority having jurisdiction over the waters in which the vessel is present at the time.
(b) If the vessel is sailing in Peruvian coastal waters, the captain shall proceed in conformity with article 708.
(c) In foreign territorial waters, he shall proceed similarly, subject to observance of the relevant laws in force in the foreign country in question.

Article 590. It shall be unlawful for the captain of a Peruvian or foreign vessel to harbour or conceal on board criminals of Peruvian or other nationality or deserters from any of the armed services.

Article 614. A Peruvian vessel shall not submit voluntarily to boarding or search by a foreign warship, except in the following cases:
(a) If the vessel is present in the territorial waters of a belligerent State and the boarding is carried out by a belligerent warship;
(b) If a treaty is in effect between Peru and the Government to which the warship belongs authorizing the warship to carry out the boarding.

Title X. Hunting and fishing

Chapter I. Hunting and fishing

Article 731. It shall be unlawful for any person to engage in hunting or fishing in Peruvian territorial waters who is not a Peruvian national or an alien resident in Peru. A Peruvian national or resident alien may also freely engage in hunting or fishing in rivers and lakes open to the public, except as otherwise provided in the relevant regulations.

Article 733. It shall be unlawful for foreign vessels to engage in fishing in Peruvian territorial waters.

The penalty for infringements of this article shall include the arrest of the vessel and the seizure of its fishing gear and cargo as contraband, in addition to the penalties prescribed by the relevant provisions of law.

Article 734. For the purposes of these Regulations, the term "fishing" means the taking of any animal living in the sea except birds and mammals.

Article 735. Fishing is classified as:
(a) Fishing on the high seas if carried on outside Peruvian territorial waters;
Coastal fishing if carried on in territorial waters; and
Inland fishing if carried on in lakes, lagoons and rivers in Peruvian territory.

Article 736. Every harbourmaster shall be responsible, within the area under his jurisdiction, for ensuring the strict observance of the law relating to fishing and to the protection of guano-producing birds.

Article 737. (a) The hunting of guanay, piquero, pelican (alcatraz) and other guano-producing birds inhabiting the islands, rocks and headlands of the coast is prohibited. The penalty for infringement of this provision shall include the seizure of the vessel and the permanent cancellation of the registration of its crew.
(b) It is lawful, subject to license, to hunt and pursue gulls, vultures and kites.

Article 738. No vessel of any kind whatsoever may approach the guano islands and other guano deposits. Any vessel which has to put in at the said inlands under the specific instructions of the maritime authority (including any vessel bringing water supplies and provisions for the guards and workers) shall do so at the official landing place and shall carry the relevant permit.

Article 740. Whaling and sealing and the preparation and marketing of the products thereof are occupations which may be carried on by any Peruvian national and by any alien resident in Peru, subject to the provisions of statute law and of the regulations which are in force.

Chapter II. Fishermen

Article 744. (a) The term "fisherman" means any person engaged in the taking of aquatic animals for profit.
(b) Fishing as a gainful occupation is reserved to Peruvian nationals over the age of sixteen years who are registered with the Port Authorities.
(c) Fishing as a pastime or sport, either from the shore or from boats, is lawful for Peruvian nationals and aliens resident in Peru, on condition that the permission of the maritime authority has first been obtained.
(d) In either case, the harbourmaster shall ensure the observance of these Regulations and any other provisions declared to be applicable by the Government.

Article 745. (a) Every fisherman may freely carry on his occupation in the coastal waters, rivers and lakes of Peru without having to satisfy any formality other than that of registration and without being subject to any restrictions other than those imposed by statute law and regulations.
(b) Every fisherman must be in possession of a fisherman's registration book (Carnet de pescador) and a book of sailing permits for fishing boats (Libreta de Licencia para la salida de embarcaciones de pesca).

Article 760. No person who is not a Peruvian national by birth or by naturalization shall be capable of acquiring the ownership of or any proprietary interest in a fishing vessel.
Chapter III. Fishing and allied occupations

Article 764. Any individual or any undertaking desiring to engage in maritime fishing or hunting as an occupation or industry, either in territorial waters or on the high seas, shall apply to the Government for a permit.

The application must state the following particulars:
(a) The nationality and place of permanent residence of the applicant;
(b) The type of hunting and fishing in which the applicant proposes to engage;
(c) The vessels at the disposal of the applicant;
(d) The type, name, tonnage, registration number and crew list;
(e) The type of nets and fishing gear;
(f) The fishing method;
(g) The proposed home port of the vessel.

Philippines

NOTE OF 12 DECEMBER 1955 received from the Ministry of Foreign Affairs of the Philippines

In the absence of legislations on the foregoing subjects [Control of shipping and security, Fiscal matters, Criminal jurisdiction, Civil or commercial jurisdiction], the Philippines Government will be guided by the generally accepted principles of international law . . .

Poland

(a) ACT CONCERNING POLISH MERCHANT MARINE SHIPS, 28 MAY 1920

Article 5. Besides the rights specified in other statutes, ships of the Polish merchant marine shall enjoy:
1. The exclusive right to engage in coastwise navigation (cabotage) in Polish territorial waters.

(b) ORDER OF THE PRESIDENT OF THE REPUBLIC CONCERNING THE SAFETY OF SEAGOING SHIPS, 24 NOVEMBER 1930

CHAPTER 1
General Provisions

Article 1. The provisions of this Order shall apply to every Polish ship used in maritime navigation and, subject to article 53, to any foreign ship which puts into a Polish port.


Article 4. The Minister of Industry and Commerce may declare this Order inapplicable wholly or in part to ships which are not covered by international regulations concerning the safety of life at sea. Safety regulations in respect of ships which have been exempted from the provisions of this Order shall be made by the Minister of Industry and Commerce, who may delegate his authority wholly or in part to the Director of the Maritime Office.

CHAPTER IV

Inspection authorities and inspection procedure

Article 14. The inspection of a ship shall be carried out by the competent inspection authority. The inspection authority for ships in Polish ports and in Polish territorial waters shall be the Maritime Office in Gdynia, and the inspection authority for Polish ships in the port of Danzig shall be the Merchant Marine Office in Danzig. The inspection authority for Polish ships abroad shall be the Consul having jurisdiction for the port where the ship is staying.

CHAPTER V

Safety Certificates

Article 41. A safety certificate issued to a Polish ship by the inspection authority of a foreign State shall be regarded as equivalent to a Polish certificate provided that the inspection of the ship was carried out with the consent of the Polish inspection authority.

CHAPTER VII

Final provisions

Article 52. The provisions of this Order and of any instrument issued pursuant to article 7 shall apply to warships and other floating naval installations only where they relate to the rules governing the use of alarm signals and the prevention of collisions, and in so far as the Minister of War, after consultation with the Minister of Industry and Commerce, may specify by Order.

Article 53. The provisions of this Order shall apply also to foreign ships in Polish ports and Polish territorial waters, except where an international Convention provides otherwise.

(c) Order of the President of the Republic concerning the protection of submarine cables, 20 March 1935

Article 1. (1) A person who damages a submarine cable and thereby impairs the efficiency of telegraph or telephone communications shall be punishable by imprisonment for a term not exceeding five years or by detention.

(2) If the offender acted without guilty knowledge he shall be punishable by detention for a term not exceeding one year or by a fine.

**Article 2.** A person who fails to comply with the provision requiring him:

(a) To display signals when laying or repairing submarine cables;

(b) To maintain a safe distance from cable ships displaying signals and engaged in the laying or repair of cables; or

(c) To maintain, when laying or repairing cables, a safe distance from buoys marking the location of any cable;

shall be punishable by detention for a term not exceeding three months or by a fine not exceeding three thousand zlotys.

**Articles 3.** Proceedings in respect of the offences specified in articles 1 and 2 shall be instituted in the District Court at Gdynia.

(d) **ORDER OF THE MINISTER OF HEALTH concerning health regulations in commercial seaports and anchorages,**

15 September 1948

**CHAPTER I**

**General Provisions**

**Article 1.** 1. Every seagoing merchant ship arriving in a Polish commercial port shall be subject to sanitary control, viz. (a) sanitary clearance and (b) sanitary inspection.

2. Sanitary clearance shall take place on the entry or, where necessary, the departure of the ship and shall include a check of the ship's papers, a medical inspection of the passengers and crew, especially of all sick persons on board, and a general inspection of the ship's quarters.

3. The sanitary inspection of a ship may be carried out at any time, with a view to determining whether and to what extent the ship's sanitary condition creates any threat to the safety of the port.

**Article 5.** Every ship other than a ship specified in article 3 may enter a port without special authorization from the port health services and berth at a station indicated by the port authority, where it shall be required to undergo sanitary clearance unless exempted from such clearance by the port health service.

**Article 17.** The port health authorities may at their discretion grant any ship total or partial exemption from sanitary clearance. This provision shall apply in particular to ships which ply regularly and at short intervals between a port situated in the temperate zone and a given Polish port.

**Article 18.** A ship which fails to comply with any instruction given pursuant to this Order by a port health authority shall be required to put back to sea without delay.
Article 23. A ship which in consequence of an accident at sea runs aground on the Polish coast or is stranded on a shoal in Polish territorial waters shall be subject to all provisions of this Order that may be necessary and practicable in the circumstances. Sanitary control in respect of such ship shall be exercised by the nearest port health service.

(e) DECREE OF 14 AUGUST 1954 CONCERNING THE STATE HEALTH INSPECTION SERVICE

Article 4. The functions of the State Health Inspection Service in the field of day-to-day health control shall include:
(1) The supervision of the sanitary conditions in cities, settlements, ports, anchorages, inland waters, internal sea areas and territorial waters, and on ships;
(5) The exercise of sanitary supervision over sea fishing and the processing of fish at sea.

Article 8. (1) The local functions of the State Health Inspection Service shall be exercised by State health inspectors, who shall be divided into the following categories:
(6) Port inspectors, with jurisdiction in respect of seaports and anchorages, internal and territorial waters and water-borne craft in such areas.

(f) DECREE OF 2 FEBRUARY 1955 CONCERNING THE ORGANS OF LOCAL MARITIME ADMINISTRATION

Article 1. (1) The organs responsible for local maritime administration in seaports, anchorages, internal sea areas, the territorial waters and the coastal zone shall be the local shipping offices.
(2) Shipping offices shall be under the jurisdiction of the Minister of Shipping.

Article 2. (1) The functions of the shipping offices shall include:
(1) The exercise of supervision over the safety of shipping in and around seaports, anchorages, sea routes and bays;
(2) The installation of navigational signals in and around seaports, anchorages, sea routes and bays and on the coast;
(12) The exercise of supervision over sea fishing, with a view to the conservation of fish resources and the maintenance of order at the fisheries;


(g) **Decree of 23 March 1956 Concerning the Protection of the State Boundaries**

**CHAPTER I**

*State Boundaries*

**Article 1.** (1) The State boundary of the Polish People's Republic is the line separating the territory of the Polish People's Republic from the territory of other States and from the open sea.

(2) The boundary line also demarcates the air space, the water and the interior of the earth in the vertical plane.

**Article 2.** The boundary of the territorial waters and of the contiguous zone runs parallel to the coastline and to the boundary of the internal maritime waters, and extends from the land boundary between the Polish People's Republic and Germany to the land boundary between the Polish People's Republic and the Union of Soviet Socialist Republics.

**Article 3.** The coastline is the line of contact between the sea and the land at low water.

**CHAPTER IV**

*Frontier Protection Authorities*

**Article 18.** (1) The inviolability and security of the State boundary shall be safeguarded by the Frontier Protection Force.

(2) The functions of the frontier protection authorities shall include:

2. The protection of the maritime boundary by means of ships and aircraft;

3. The exercise of supervision, with a view to ensuring the protection of the boundaries, over shipping and installations in internal maritime waters, territorial waters, the contiguous zone and frontier waters, as well as over the exploitation of such waters and of the seabed.

**Article 22.** (1) In exercising sovereign rights in internal maritime waters, in territorial waters and in the contiguous zone, the frontier protection authorities may, where consideration of State security so require,

1. Order any ship to reduce speed, to stop for purposes of verification, or to adhere to a specified course;

2. Check all documents pertaining to a detained ship or her cargo and the identity papers of the crew and of all passengers on board; inspect the cargo and search the ship;

3. Arrest a ship and escort it to a specified port if the master fails to comply with any order specified in paragraph 1 or resists any of the measures specified in paragraph 2.

(2) The detention of a ship shall be recorded in a memorandum signed by both parties and prepared in duplicate in the Polish language, one copy

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being delivered to the master of the ship. The master may enter in the memorandum or in a separate document any objections or comments, using the language of his choice.

(3) If circumstances prevent the immediate delivery to the master of a copy of the memorandum, such copy shall be transmitted to the address indicated by the master.

Article 23. (1) In internal maritime waters, in territorial waters and in the contiguous zone, the frontier protection authorities may arrest and escort to a specified port any ship which:

1. Takes on or discharges any merchandise outside a place designated for that purpose;
2. Embarks or disembarks persons in breach of any statutory provision;
3. Establishes contact with the shore with a view to the commission of an offence;
4. Engages in fishing or otherwise exploits the sea in breach of any statutory provision;
5. Engages in smuggling;
6. Commits a breach of any customs or currency regulations;
7. Commits a breach of any health regulations;
8. Enters any sea area closed to navigation;
9. Casts anchor outside an area designated for that purpose; or
10. In any other manner endangers public order or security.

(2) The provisions of Article 22, paragraphs 2 and 3, shall apply as appropriate.

Article 24. If any ship leaves port without the authorization of the customs or port authorities, or attempts, after stopping or being called upon to stop, to escape to the high seas, the frontier protection authorities may, with a view to arresting the fugitive ship and escorting it back to port, continue the pursuit on the high seas as far as the territorial waters of a foreign State.

Article 25. (1) The provisions of Articles 22 to 24 shall not apply to warships.

(2) The Minister of National Defence shall specify by Order the conditions governing the stay of foreign warships in internal maritime areas, in territorial waters, and in the contiguous zone.

Article 26. (1) The sovereign rights of the State over the waters of the contiguous zone shall also be exercised as appropriate in the superjacent air space and beneath the surface of such waters.

(2) The Minister of National Defence, in consultation with the Minister of Land and Air Transport, shall specify by Order the conditions governing the passage of foreign aircraft through the air space over the territorial waters and the contiguous zone.

CHAPTER V

Use of Armed Force by the Frontier Protection Authorities

Article 28. If any ship in internal maritime waters, territorial waters, or the contiguous zone fails to comply with an order to stop or to cease
taking on or discharging merchandise or embarking or disembarking persons, the frontier protection authorities shall first fire a warning shot into the air and then fire further shots across the bows and stern of the ship; if the ship persists in disregarding the order, the frontier protection authorities shall thereupon open fire on the ship. By night, the frontier protection authorities, before resorting to armed force, shall also discharge two green rockets. The same procedure shall apply during the pursuit of a ship on the high seas.

**Article 29.** (1) An aircraft which without authorization or in breach of the conditions of an authorization penetrates the air space over the land territory of the State or over the internal maritime waters, or territorial waters or contiguous zone thereof, shall, if called upon to do so by the competent authority, change course or altitude or land at a specified place.

(2) An aircraft which fails to comply with an order may be compelled to land. If the aircraft should act in a hostile manner, armed force may be used in order to compel it to land.

*Note.* See also: Order of the President of the Republic concerning Customs Law, 27 October 1933, article 5 (supra, Chapter I, under Poland (b)).

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**Roumanie**

(a) Décret n° 39 du 28 janvier 1956 concernant la réglementation du régime des eaux territoriales de la République populaire roumaine

Le Présidium de la Grande Assemblée Nationale de la République Populaire Roumaine décrète:

**Article 1er.** Les eaux territoriales de la République Populaire Roumaine s'étendent sur une largeur de 12 milles marins (22.224 m) à partir du littoral et elles sont séparées des eaux territoriales des pays voisins, au sud, par le parallèle géographique passant par le point de frontière terrestre touchant au littoral, et au nord, par une ligne conventionnelle fixée de commun accord entre la République Populaire Roumaine et l'Union des Républiques Soviétiques Socialistes.

**Article 2.** Les eaux territoriales de la République Populaire Roumaine, le sol et le sous-sol qu'elles recouvrent ainsi que l'espace aérien situé au-dessus d'elles, font partie du territoire de la République Populaire Roumaine.

**Article 3.** La République Populaire Roumaine exerce sa souveraineté sur ses eaux territoriales conformément aux lois en vigueur, aux principes du droit international, aux accords et aux conventions conclus avec les pays étrangers.

**Article 4.** Les navires étrangers ont le droit de passer, de s'arrêter ou de jeter l'ancre dans les eaux territoriales de la République Populaire Roumaine lorsque ces actions sont provoquées par la route habituelle des navires ou lorsqu'elles leur sont imposées par des avaries ou par la nécessité de s'abriter contre la tempête.

1 Le texte français de ce décret a été fourni par la Mission permanente de la République populaire roumaine auprès de l’Organisation des Nations Unies.
Les navires qui passent, s’arrêtent ou jettent l’ancre dans les eaux territoriales dans d’autres buts que ceux qui sont désignés au paragraphe précédent seront avisés par des signaux établis conformément aux usages internationaux d’avoir à quitter les eaux territoriales de la République Populaire Roumaine.

L’entrée dans les ports de la République Populaire Roumaine s’effectue par les passes et les chenaux imposés et qui sont annoncés par des avis aux navigateurs.

*Article 5.* Le port de Mangalia ainsi que la zone comprise entre la côte, les parallèles 43°45′ et 43°53′ et le méridien 28°45′, sont interdits aux navires étrangers.

Seule une décision du Conseil des ministres peut interdire aux navires étrangers d’autres ports ou d’autres zones de la République Populaire Roumaine.

*Article 6.* Dans les eaux territoriales de la République Populaire Roumaine il est interdit d’embarquer ou de débarquer des passagers ou des marchandises en dehors des ports ou des lieux où de telles opérations sont autorisées.

Font exception les cas d’embarquement ou de débarquement de passagers, de marchandises ou de matériaux ayant lieu au cours d’opérations de sauvetage.

La pêche, la chasse, les sondages de toute sorte en vue de mesurer la profondeur, la température ou le degré de salinité des eaux, la prise de photographies, les travaux de recherches de toute nature, à l’exception des opérations de mesure nécessaires à la navigation ne sont autorisés que sur approbation préalable des organes compétents de la République Populaire Roumaine.

*Article 7.* Les navires qui ne se conforment pas aux dispositions de l’article 4, par. 2 et 3, ainsi que ceux qui contreviennent aux dispositions de l’article 6, par. 1 et 3, seront conduits aux fins d’enquête dans le port le plus proche de la République Populaire Roumaine.

Le refus de quitter les eaux territoriales à la suite des signaux exécutés conformément aux prévisions de l’article 4, par. 2, ainsi que le non respect des dispositions du par. 3 du même article ou de celles de l’article 6, par. 1, sont sanctionnés conformément à l’article 267 du Code pénal.

Le non respect des dispositions de l’article 6, par. 3 concernant la pêche et la chasse est sanctionné conformément à l’article 268 au — inclusivement du Code pénal ou conformément au décret n° 76 du 23 février 1953, selon le cas. Le non respect des dispositions prévues au même paragraphe en ce qui concerne la prise de photographies et les travaux de recherches de toute nature est sanctionné conformément aux dispositions du décret n° 204 du 8 octobre 1954.

*Article 8.* Les navires militaires étrangers ne peuvent traverser, s’arrêter ou jeter l’ancre dans les eaux territoriales de la République Populaire Roumaine de même qu’ils ne peuvent entrer dans les ports de la République Populaire Roumaine qu’après en avoir reçu au préalable l’autorisation du gouvernement de la République Populaire Roumaine, sauf en cas d’avaries ou lorsqu’ils cherchent un refuge contre la tempête.

Il est interdit aux sous-marins étrangers en plongée de naviguer, de s’arrêter ou de jeter l’ancre dans les eaux territoriales de la République Populaire Roumaine.
Les sous-marins étrangers naviguant en plongée dans les eaux territoriales de la République Populaire Roumaine seront poursuivis et détruits sans avertissement.

(b) Décret n° 41 du 14 février 1950 concernant la surveillance, le contrôle et le régime de la navigation maritime et fluviale

Titre 1er. Le régime de la navigation dans les eaux nationales

Chapitre II. Surveillance et contrôle des navires dans les ports et dans les eaux nationales

Article 6. Les navires maritimes ou fluviaux sous pavillon roumain ou sous pavillon étranger avec port d’inscription roumain, sont obligés d’avoir à bord, à leur entrée dans les eaux et les ports roumains, les documents suivants:

Navires maritimes:
- a) le certificat de nationalité;
- b) le rôle d’équipage;
- c) le certificat de tonnage;
- d) les actes de visite (certificat de sûreté, certificat de franco-bord, certificat de sûreté radiotélégraphique);
- e) le manifeste douanier (pour les navires chargés);
- f) la patente de santé;
- g) le registre des machines (le journal des machines);
- h) le registre radiotélégraphique;
- i) le registre de navigation (le journal de bord);
- j) les plans du navire.

Ces navires sont obligés d’avoir également à bord tous autres documents ainsi que les certificats exigés par les lois commerciales et les conventions internationales, auxquelles l’État roumain a adhéré.

Article 7. Les navires sous pavillon étranger, à leur entrée dans les eaux roumaines, devront avoir à bord les documents exigés par les lois nationales respectives et par les conventions internationales en vigueur.

Les organismes maritimes et fluviaux de la R.P.R. reconnaîtront comme valables les certificats et les permis de navigation ainsi que les brevets du personnel délivrés par les organismes étrangers compétents aux navires navigant sous pavillon étranger et à leurs équipages.

Le registre de navigation, le registre de machines et le registre radiotélégraphique devront recevoir le visa, être numérotés et paraphés par le Commandement du port ou par le Service de port.

En ce qui concerne les navires navigant sous pavillon étranger qui ont un port d’attache roumain, les certificats ou les permis de navigation ne seront délivrés que par les organismes maritimes et fluviaux roumains.

1 Le texte français de ce décret a été fourni par la Mission permanente de la République populaire roumaine auprès de l’Organisation des Nations Unies.
Article 8. Tout navire maritime donnant dans les eaux ou dans les ports roumains doit avoir à son bord un certificat de tonnage calculé selon les normes du certificat de tonnage international.

Au cas où un navire maritime ne possède pas ce certificat, les organismes maritimes doivent procéder à une expertise officielle et lui délivrer un certificat de tonnage.

Article 9. Tout navire maritime, quel que soit son pavillon lorsqu'il donne dans les eaux ou dans les ports roumains doit avoir à son bord un certificat international de franco-bord, un certificat de sûreté de navigation et un certificat de sûreté radiotélégraphique dont la validité n'ait pas encore expiré.

En ce qui concerne les navires maritimes qui ne possèdent pas ces certificats ou dont les certificats ne sont plus valables, on procédera conformément aux Conventions Internationales concernant les lignes de flottaison en charge et de la « Sauvegarde de la vie humaine en mer ».

Article 11. En vue d'assurer la sûreté de la navigation et la protection des vies humaines, les navires sous pavillon étranger ayant un port d'attache roumain doivent avoir à leur bord le même équipement sanitaire et de sauvetage que les navires navigant sous pavillon roumain.

Article 24. Les commandants, les capitaines ou les pilotes des navires sont tenus de faire connaître au Commandement du port ou au Service de port tout événement survenu sur le navire pendant que le navire se trouve dans le port ou en cours de navigation : abordage, avarie, vol, mort, noyade, etc.

Article 25. Au cas où des rixes, des désordres troubleraient l'ordre à bord de leur navire, les commandants, les capitaines ou les pilotes sont tenus de rétablir l'ordre et de signaler le cas au Commandement du port ou au Service de port afin que soient prises les mesures qu'imposent les circonstances.

Article 31. Les organismes maritimes et fluviaux ont droit de visite à bord de tout navire, quel que soit son pavillon, qui se trouve dans les eaux nationales ou dans les ports roumains, ainsi que dans tout hangar, magasin ou établissement situé dans les ports, à toute heure du jour ou de la nuit, afin d'effectuer des recherches et des inspections avec l'aide d'autres organismes portuaires.

Article 33. Il est interdit aux navires d'employer la télégraphie sans fil dans le port ou dans la rade.

Les navires se trouvant en rade ne peuvent faire usage de la télégraphie sans fil que lorsque la sécurité du navire ou de l'équipage se trouve en péril.

Chapitre VII. Surveillance du littoral et des côtes en dehors des ports

Article 66. Aucun navire ne peut jeter l'ancre ou accoster sur le littoral en dehors des limites du port sans une permission spéciale des organismes
Chapitre VIII. L’ordre et la surveillance de la navigation

Article 71. Tout navire, toute embarcation, ainsi que les radeaux stationnant ou circulant dans les ports et dans les eaux nationales sont soumis aux dispositions des lois et des règlements de navigation quel que soit leur pavillon.

Article 72. Les commandants, les capitaines ou les pilotes des navires, des embarcations et des radeaux sont tenus de se soumettre aux ordres et de répondre à toute sommation des organismes maritimes et fluviaux en ce qui concerne l’application des dispositions des lois et des règlements de navigation.

Article 73. Les commandants, les capitaines ou les pilotes des navires ainsi que leurs équipages sont tenus de prouver leur identité et de présenter tous les documents officiels qui peuvent leur être demandés afin de vérifier l’exactitude de leurs déclarations.

Article 74. Les commandants, les capitaines ou les pilotes ne peuvent refuser d’être soumis à un interrogatoire ou de servir de témoins, ni s’opposer à ce que les membres de leurs équipages soient soumis à ces formalités.

Chapitre IX. Dispositions concernant les opérations de douane, fiscales et sanitaires

Article 78. Toute enquête, visite ou inspection effectuée par la douane à bord des navires de commerce étrangers se fera en présence du consul du pays sous le pavillon duquel navigue le dit navire ou bien en présence de son délégué ou encore du commandant du navire ou de son second.

Article 79. Les Commandements de port et les Services de port prêteront leur concours à la perception des droits fiscaux de l’Etat. Au cas où les dits droits ne seraient pas acquittés, le Commandement du port ou le Service de port pourra interdire aux personnes qui travaillent dans le port d’exercer leur métier ou leur fonction et, aux navires, aux embarcations ou aux radeaux, il pourra interdire de naviguer ou de fonctionner.

TITRE IV. LITIGES MARITIMES ET FLUVIAUX

Chapitre 1er. Dispositions générales

Article 135. Sont litiges maritimes et fluviaux:

1) Les dommages provoqués par les avaries des navires et en général de toutes installations flottantes.

2) Les dommages provoqués par les détériorations de l’outillage du port ou des installations qui servent à la navigation.
3) Les dommages provoqués par l'emploi des installations de chargement ou de déchargement et par la manipulation des marchandises dans le port.

4) Les dommages provoqués aux navires par les détériorations causés par les instruments de pêche ou inversement.

5) Les indemnisités, les paiements ou les rétributions dus pour l’assistance ou le sauvetage des navires, flotteurs et aéronefs en péril ou naufragés, ou pour l'enlèvement de leurs épaves ou des marchandises inondées ou avariiées.

6) Sommes dues:
   a) pour l’arrimage, le déchargement et le chargement des navires;
   b) pour la fourniture de l’eau nécessaire;
   c) pour la réparation ou l’entretien des navires;
   d) pour les opérations d’embarquement, de débarquement, de transbordement ou de magasinage;
   e) pour l’approvisionnement des navires en aliments, combustible et matériel, pour le remorquage, le transport des voyageurs et des marchandises, pour l’exécution des contrats ou des engagements concernant les transports et les opérations sur l’eau.

Article 137. Les rapports concernant l’abordage des navires et tous autres sinistres maritimes seront présentés:
   a) aux organes maritimes et fluviaux du lieu où le sinistre est arrivé, si celui-ci a eu lieu dans les eaux nationales;
   b) aux organes maritimes et fluviaux du premier port d’arrivée, si le sinistre a eu lieu en dehors des eaux nationales;
   c) à n’importe quel organe maritime et fluvial dans le cas où le navire est naufragé ou est disparu.

Les réclamations concernant les litiges indiqués à l’article 135 seront présentées aux organes maritimes et fluviaux du lieu où le sinistre est arrivé ou au premier port où le navire s’est arrêté.

Chapitre II. La compétence judiciaire pénale des organismes maritimes et fluviaux

Article 140. Le commandant du port et le chef du Service de port constatent les infractions au présent décret ainsi qu’aux règlements de navigation et de port commissés dans leur circonscription.

Les infractions exposant leur auteur à des peines d’emprisonnement tombent sous la compétence du Tribunal maritime qui les jugera suivant les normes prévues dans le décret concernant la Marine commerciale.

Article 142. Le commandant du port et le chef du Service de port appliquent les sanctions prévues pour les infractions tombant sous le coup du présent décret et peuvent infliger des amendes allant jusqu’à 4000 lei. Dans le procès-verbal constatant les infractions, outre l’amende appliquée au délinquant, ils sont tenus d’indiquer les infractions constituant le chef d’accusation et de mentionner le texte de loi qu’ils ont appliqué.

1 Cette somme est aujourd’hui de 200 lei à la suite d’un nouveau calcul sur la base de la loi pour la réforme monétaire du 26 janvier 1952.
Article 144. Le commandant du port se prononcera également sur les droits éventuels à des dommages et intérêts découlant de ces infractions, lorsque l’État est partie civile.

Article 145. Les Commandements et les Services de port reçoivent les réclamations et les plaintes concernant toute infraction aux règles de la navigation ou bien qui a eu lieu sur les navires, dans les ports, sur les côtes et le littoral, effectuent des enquêtes, et en cas de culpabilité, dans la limite de leur compétence, procèdent conformément au présent décret.

Les organismes maritimes et fluviaux seront avertis de tout délit disciplinaire ou de toute infraction ayant eu lieu à bord des navires roumains et prendront les mesures légales.

(c) Décret N° 40 du 28 janvier 1956 portant modification du décret N° 41/1950 concernant la surveillance, le contrôle et le régime de la navigation maritime et fluviale 1

Le Présidium de la Grande Assemblée Nationale de la République Populaire Roumaine décèrte:

Article 1er. Les articles 4, 120 et 172 du décret n° 41/1950 concernant la surveillance, le contrôle et le régime de la navigation maritime et fluviale sont modifiés comme suit:

« Article 4. Les navires maritimes et fluviaux de toute catégorie et quel que soit leur pavillon qui entrent dans les eaux ou dans les ports roumains sont tenus de se conformer aux dispositions du présent décret ainsi qu’aux dispositions des lois, règlements et instructions concernant la navigation et son régime dans les ports et les eaux nationales et territoriales de même qu’aux mesures d’ordre concernant les personnes. »

« Article 120. L’emploi d’un pilote est obligatoire dans les ports, les rades et les bassins où le pilotage a été institué par ordre du ministre des Transports navals et aériens et seulement pour la catégorie de navires pour laquelle il a été institué. »

« Article 172. Par eaux nationales on comprend :

- a) les fleuves, les rivières, les canaux et les lacs intérieurs navigables de la République Populaire Roumaine ;
- b) les eaux des fleuves et des rivières de frontière, de la rive roumaine jusqu’au thalweg.

Par eaux territoriales on comprend :

- Une portion de mer bordant le littoral roumain et dont l’étendue et les limites sont fixées par la loi. »

Article 2. Les dispositions du décret n° 41/1950 sont applicables tant dans les eaux nationales que dans les eaux territoriales.

Article 3. Par le terme « eaux nationales » employé dans les dispositions légales antérieures au présent décret on entend aussi bien les eaux nationales que les eaux territoriales telles qu’elles sont définies dans le présent décret.

Article 4. Le terme « vaisseaux » employé dans le décret n° 41/1950 est remplacé par le terme « navires ».

1 Le texte français de ce décret a été fourni par la Mission permanente de la République populaire roumaine auprès de l’Organisation des Nations Unies.
(d) Act No. 2306 of 24 June 1938 to Amend Certain Provisions of Act No. 82 of 1934

Article 1. Article 3 of the Act to standardize the lifeboat taxes levied in the maritime ports and in the Danube maritime ports published in the Official Gazette No. 107 of 11 May 1934 shall be amended as follows:

"Article 3. Every cargo vessel of whatever type coming from sea into one of the ports enumerated in Article II shall pay a lifeboat tax of 2 lei per net register ton of the net tonnage shown in the appropriate national certificate and calculated in accordance with the English regulations.

"Mail vessels operating a regular passenger and mail service shall pay only 1 lei per net register ton of the tonnage shown in the appropriate national certificate calculated in accordance with the English regulations.

"Vessels of war and pleasure yachts shall be exempt from lifeboat tax."

Article 3. This decree shall enter into force on 1 May 1938.

Sweden

(a) Royal Order No. 31 of 9 February 1945 Concerning Provisions Relating to Navigation in Swedish Territorial Waters, as Amended

Article 1. Except as otherwise provided, this Order shall apply to any craft in Swedish territorial waters, irrespective of its size or its means of propulsion (vessel), with the exception of vessels belonging to the Swedish armed forces and of foreign warships.

The provisions of article 3, paragraph 3, and of articles 10-13 shall apply only to the extent prescribed by His Majesty in the event of a war or threat of war involving the Kingdom or of other extraordinary circumstances resulting from a state of war.

Article 2. For the purposes of this Order, the term "Swedish territorial waters" means:

(a) Swedish lakes, watercourses and canals;
(b) Harbours, harbour entrances and bays along the coasts of the Kingdom together with other maritime waters inshore of and between the islands, islets and drying rocks lying off the coasts; and
(c) All other maritime waters up to a distance of four nautical miles, or 7,408 metres, from the land domain of the Kingdom or from lines repre-
senting the seaward boundary of the waters referred to in sub-paragraph (b), but not beyond the limit, as specifically determined, of another country's territorial waters.

Article 7. The master shall allow the vessel to be inspected by a competent civil or military authority.

Article 11. Foreign vessels of over 300 register tons gross tonnage may not, in Sweden, save by leave of the National Traffic Commission, be laid up or otherwise taken for a longer period than three weeks out of commission.

Where the leave referred to in the first paragraph hereof is granted, the place within Swedish territorial waters where the vessel is laid up and other incidents of the laying-up shall be governed by the instructions issued by the commander-in-chief of the Navy after consultation with the National Traffic Commission. These provisions shall also apply where a Swedish vessel of over 300 register tons gross tonnage is to be laid up or otherwise taken out of commission for any other purpose than classification, reconstruction, repairs or maintenance.

If a foreign vessel is, as mentioned in the first paragraph, laid up or otherwise taken out of commission for a longer period than three weeks, or if a Swedish vessel is, as mentioned in the second paragraph, laid up or taken out of commission for a purpose other than classification, reconstruction, repairs or maintenance, the vessel shall be transferred for laying-up to such other place within Swedish territorial waters as the commander-in-chief of the Navy after consultation with the National Traffic Commission may direct; and the laying-up shall otherwise be governed by the terms of the direction.

Article 12. A vessel proceeding to or from a foreign country may not put in at a port other than a port open to the type of foreign traffic to which the voyage relates except in an emergency, and in such event the master of the vessel shall, as soon as possible after arrival, report the circumstances to the civil or military authority immediately responsible for the supervision of traffic in the port.

Article 13. (1) Except in emergency or by special leave, a vessel may not enter or navigate in an area of Swedish territorial waters designated by His Majesty by order as a prohibited area, even though no provision of article 12 forbids it to do so.

(b) CUSTOMS DECREES NO. 391 OF 7 OCTOBER 1927, AS AMENDED UP TO 1955

Article 1. The customs territory of Sweden, by which is meant Swedish territory in which the customs services are to exercise their functions, includes:

1 Ibid., 1927, Nr. 391, p. 865. Text of Decree and Amendments thereto provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
(a) The land areas of the Kingdom;
(b) Lakes, rivers and canals in the Kingdom;
(c) Ports, entrances to ports and bays on the coasts of the Kingdom as well as other maritime waters situated landwards from, or between, islands, islets and reefs alongside the coasts which are not constantly submerged; and
(d) Maritime waters which extend for a distance of four nautical miles, or 7,408 metres, from the land areas of the Kingdom or from the lines delimiting the seaward boundaries of the waters mentioned under (c) above.

The customs territory extends in the Sund to the middle of the strait, and at the maritime boundary between the Kingdom and Norway, to a distance of four nautical miles from that part of a straight line uniting the northernmost of the reefs known as Stora Drammen and the rock named Hejeknubb situated southeast of the island of Heja, which is on the Swedish side of that boundary.

(c) ROYAL ORDER NO. 84 OF 29 APRIL 1932 RESPECTING THE BOUNDARIES OF THE SWEDISH CUSTOMS AREA IN THE SOUND

His Majesty has been pleased to order that the provisions of Article 1, second paragraph, of the Customs Act No. 391 of 7 October 1927 in respect of the boundaries of the Swedish Customs area in the Sound shall be so construed that the customs area in the said waters which is bounded on the north by a line between Stevns light and Falsterbo cape shall, during such time as the Customs area continues to be constituted as provided in other regulations of a general character, be considered to be separated from Danish territorial waters by a line drawn as follows:

In the northern part of the Sound, from its northern boundary line to the site of the Lous Flak light and whistling buoy (lat N.55°49'36", long W. 12°42'42") the line shall go midway between the coast of Seeland and the Swedish mainland (disregarding the island of Ven).

From the site of the Lous Flak light and whistling buoy, the line shall go without deviation to the site of the lighted buoy at Saltholm Flak northwest (lat N. 55°41'55", long W. 12°51'00") and thence southwards along straight lines drawn between the following four points:

1. lat N. 55°38'37", long W. 12°53'54"
2. lat N. 55°36'49", long W. 12°53'04"
3. lat N. 55°32'23", long W. 12°43'57"
4. lat N. 55°29'19", long W. 12°43'06"

The line shall then be carried to the southern boundary in accordance with rules similar to those applicable to the northern portion of the Sound and along straight lines determined by the following points:

4. lat N. 55°29'19", long W. 12°43'06"
5. lat N. 55°25'52", long W. 12°36'49"
6. lat N. 55°20'12", long W. 12°38'42"

This order shall come into force on the day following the date of its publication in the Swedish Statutes Series, such publication date being determined from information appearing on the order.

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1 Ibid., 1932, Nr. 84. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
(d) Royal Letter No. 151 of 4 May 1934 to the General Customs Administration concerning the establishment of the boundaries of the Swedish customs territory

In connexion with a request by the General Customs Administration, His Majesty in a Decree of 31 March 1933 recommended that the Hydrographic Department, in consultation with the General Customs Administration and an expert on territorial waters made available by the Minister of Foreign Affairs, should prepare and submit to His Majesty a report on the question whether and to what extent the boundaries of the customs territory as defined in article 1 of the Customs Decree should be delineated on charts, together with proposals for such delineation of boundaries as might be considered desirable.

In a communication dated 18 November 1933, the Chief of the Hydrographic Department submitted one copy each of fourteen separate charts covering the coastal area of the Realm and showing both the boundaries between the internal and external territorial waters and the boundaries of the customs territory as defined in article 1 of the Customs Decree.

The chief of Naval Staff and the General Customs Administration subsequently submitted their separate views on the matter, and the Chief of the Hydrographic Department on 30 April 1934 supplemented the report and inserted additional information in the relevant charts.

His Majesty hereby declares that the provisions of article 1 of the Customs Decree are to be construed in accordance with the boundary lines shown on the fourteen charts covering the coastal area of the Realm which were submitted to His Majesty by the Chief of the Hydrographic Department, and further that the said charts, bearing a reference to the present instructions of His Majesty, shall henceforth be kept at the Hydrographic Department.

(e) Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines, as amended

Unlawful importation into Swedish territorial waters

Article 2. (1) Alcoholic beverages and wines may not be imported into Swedish territorial waters from international or foreign waters in vessels of less than 500 net tons.

In special circumstances the King may likewise prohibit such importation into a specified area of Swedish territorial waters in vessels of a net tonnage greater than that laid down in this article.

(2) The prohibition set forth in paragraph 1 shall not prevent the importation into Swedish territorial waters of alcoholic beverages and wines:

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(a) If the beverages are part of the stores of the vessel in which they are transported, or the property of passengers in the vessel or persons employed therein, and are shown not to exceed the amount required for the voyage, or may lawfully be introduced by a passenger into the Kingdom for his personal use in accordance with regulations in force; and

(b) In passage without unnecessary stops through the Sound between Falsterbo Reef and Kullen Light from international or foreign waters to other such waters, if the circumstances clearly show no intention to import beverages illegally into the Kingdom; unless passage is made through waters within one half kilometre of the shore of Sweden.

(3) The General Customs Board may in special cases waive the prohibition referred to in this article.

Article 3. (1) Persons violating the prohibition referred to in article 2 shall incur the penalties prescribed for unlawful importation into the Kingdom.

If the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom, only a fine not exceeding 500 kronor may be imposed.

If it is shown that the vessel in which the beverages were transported was compelled by an actual peril of the sea to enter and remain in Swedish territorial waters in order to save the ship, cargo or human life, the defendant shall be acquitted.

(2) Prosecutions for the offence referred to in paragraph 1 may not be instituted except with the leave of the General Customs Board.

Article 4. (1) Customs officers may, when so required in the course of their duty, carry out such inspection of a vessel as may be necessary to ascertain whether alcoholic beverages or wines are being transported in the vessel in violation of the prohibition referred to in article 2.

(2) If a chief customs or coastguard officer finds it necessary, because of suspected unlawful importation of alcoholic beverages or wines, to place a special customs guard on a vessel of under 500 net tons arriving from or sailing to a foreign port, he may, if beverages carried on board the vessel during the voyage are seized in accordance with this Act, order that the cost of such guard shall be borne by the owner of the vessel.

The cost of the guard shall be payable at the rates laid down for additional customs services and by the relevant procedure for remunerating such services.

(f) Act No. 463 of 27 November 1925, extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines.

If alcoholic beverages have been introduced in a vessel of less than 250 net tons register into waters situated outside Swedish territorial waters but within twelve nautical miles of the Swedish coast or of the outermost islands lying off the coast, and the circumstances clearly indicate that the

vessel is in the said waters for the purpose of committing or abetting the unlawful importation of such beverages into the Kingdom, the offence of unlawful importation into Swedish territorial waters within the meaning of the Act containing special provisions concerning unlawful dealing in alcoholic beverages and wine shall be deemed to have been committed.

In frontier waters less than twenty-four nautical miles wide the boundary of the waters referred to in the first paragraph shall be deemed to coincide with the mid-line or with the frontier established by agreement, customs or otherwise.

The provisions of this Act shall not apply to vessels of a foreign nationality, unless the King orders that the Act shall apply to vessels of that nationality.

(g) Act No. 234 of 31 May 1935 supplementing the provisions in force concerning the import of alcoholic beverages and wine into Swedish territorial waters

The provisions of article 2, paragraph 2 (b), article 3, paragraph 1, article 7 and article 8, paragraph 1, of Act No. 225 of 20 June 1924, containing special rules concerning unlawful dealing in alcoholic beverages and wines with regard to cases of importation of alcoholic beverages or wines into Swedish territorial waters in which the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom shall, to the extent that the King may so order, not apply to importation into territorial waters covered by an agreement with a foreign State for common supervision in order to prevent the smuggling of alcoholic liquors unless circumstances also clearly show no intention to import the beverages unlawfully into the State with which the agreement is concluded.

(h) Royal Order No. 65 of 3 April 1934, for the execution of the Agreement between Finland and Sweden for a common surveillance service for preventing the illicit importation of alcoholic beverages

In pursuance of the Agreement between Finland and Sweden for a common surveillance service for preventing the illicit importation of alcoholic liquors, signed on 29 December 1933, and in virtue of the Act of 23 March 1934 (No. 54), to empower the Crown to make orders placing foreign surveillance staff on the same footing as Swedish customs officers in certain cases, His Majesty has been pleased to order as follows:

Article 1. For the purpose of preventing the illicit importation of alcoholic beverages into a Swedish or Finnish customs area, Swedish customs staff and staff of the sea surveillance service of Finland shall exercise common surveillance within the zone of sea situated between 60°30' and 59°45' latitude north and bounded on the west by straight lines drawn between the

3 See infra, Second Part, Chapter II, Treaty No. 50.
reefs of Höggkalegrund Ostergryndan, Klacken, Gräskälbrämnan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnäsklubb, Hökanskär, Tjärven, Söderarm and Längden, and on the east by straight lines drawn between the reefs of Jernbådan, Sälskär, Malgrunden, Skarven, Yttre Borgen, Gislan, Torskubbar, Sandgrunden, Uddbåda, Mellangaddan, Nyhamn, Lägskär, Vittensten, Granbåda and Voronina, and thence by a straightline drawn southwards.

Regulations for the conduct of the surveillance service shall be made by agreement between the general customs board and the head of the sea surveillance service of Finland.

Article 2. Within that part of the zone of sea described in article 1 situated west of the line mentioned in article 2, paragraph (1) (d), of the Convention relating to the non-fortification and neutralization of the Åland Islands, signed at Geneva on 20 October 1921, Finnish surveillance staff may carry out such inspection of a vessel as is absolutely necessary to fulfil the purpose of the supervision, and exercise the right of seizure conferred upon Swedish customs officers by the Act of 20 June 1924 (No. 225) containing special provisions concerning unlawful dealing in alcoholic beverages and wines, and by the Act of 27 November 1925 (No. 463) to extend the application of the said Act.

These provisions shall, in that part of the zone of sea situated between Swedish territorial waters and the said line, apply only to vessels of Swedish and Finnish nationality.

Article 3. A vessel navigating within the zone of sea west of the line mentioned in article 2 shall immediately comply with an order to stop given by Swedish or Finnish surveillance staff for the purpose of inspection; provided that within that part of the zone of sea situated between Swedish territorial waters and the said line these provisions shall apply only to a vessel of such nationality as the said staff may be empowered to inspect.

(i) Notice No. 13 of 24 January 1936 concerning the Agreement of 28 October 1935 between Sweden and Denmark

His Majesty, the King, in pursuance of the Convention concluded between Sweden and Denmark on 28 October 1935 for common supervision in order to prevent the smuggling of alcoholic beverages and of the Act of 23 March 1934 (No. 53) respecting the right of the Crown to make orders concerning the placing in certain cases of the supervision staff of a foreign country on a footing of equality with Swedish customs officers and of the Act of 31 May 1935 (No. 234) supplementing the provisions in force regarding the importation of alcoholic beverages and wines into Swedish territorial waters, has been pleased to order as follows:

Article 1. Within Swedish and Danish territorial waters in the Sound and certain parts of the Kattegat and the Baltic, namely:

1 See infra, Second Part, Chapter I, Treaty No. 9.
3 See infra, Second Part, Chapter II, Treaty No. 52.
On the Swedish side, from 56°27' north latitude (Hallands Väderö lighthouse), along the west, south and east coast of Skåne, to 55°39.8' north latitude (Stenshuvud), and

On the Danish side, from 12°17.5' east longitude (Gilbjerghoved), along the north and east coast of Zealand, together with Møen and Falster, to 11°58' east longitude (Gedser) and round the island of Bornholm and the islands known as Aerteholmene.

Swedish and Danish supervision staff shall, in accordance with the detailed regulations agreed upon between the General Customs Board and the competent Danish customs authority, and in pursuance of the provisions respecting Sweden laid down in articles 2-11, co-operate in combating the illicit import of alcoholic beverages into Sweden and Denmark.

The provisions of this Order relating to the territorial waters shall not be applicable to ports and entrances to ports.

Where measures to prevent unlawful importation in vessels of Swedish or Danish nationality are concerned, such co-operation as aforesaid shall also take place in the waters immediately outside the said territorial waters within the zone referred to in article 9 of the Convention concluded at Helsingfors, on 19 August 1925, for the suppression of the contraband traffic in alcoholic liquors, together with the comments on the said article contained in the Final Protocol to that Convention.

Article 2. The provisions of sub-paragraph (b) of paragraph 2 of article 2, paragraph 1 of article 3, article 7, and paragraph 1 of article 8 of the Act of 20 June 1924 (No. 225), containing special provisions concerning unlawful dealing in alcoholic beverages and wines, in respect of cases where the circumstances clearly show that the alcoholic beverages or wines introduced into Swedish territorial waters are not or were not intended to be unlawfully imported into Sweden, shall not apply in respect of the introduction of such beverages or wines into the Swedish territorial waters specified in article 1 unless the circumstances clearly show that there similarly is or was no intention to import the said beverages unlawfully into Denmark.

Article 3. Danish supervision staff shall, within the Swedish territorial waters specified in article 1 and the waters adjacent thereto situated in the zone referred to in the last paragraph of article 1, have the right to inspect any vessel if such inspection is absolutely necessary for the purposes of the relevant supervision, and shall have the same rights in respect of confiscation as are granted to Swedish customs officers under the Act containing special provisions concerning unlawful dealing in alcoholic beverages and wines, as modified by article 2 of this Act, or under the Act of 27 November 1925 (No. 463) extending the application of the first-mentioned Act:

Provided that the foregoing provision shall, in respect of waters outside the territorial waters, apply only where action is taken against vessels of Swedish or Danish nationality.

Article 4. (1) Any vessel proceeding within the Swedish territorial waters specified in article 1 or the waters adjacent thereto situated in the zone referred to in the last paragraph of article 1 shall immediately comply with any order to stop given by Swedish or Danish supervision staff for the purposes of carrying out an inspection: Provided that in waters outside the territorial waters this provision shall not apply unless the nationality of the vessel is such that it is subject to inspection by the aforesaid staff.
Note. See also: Royal Notice No. 317 of 5 June 1953 concerning the peacetime division of the Armed Forces and the division of the Kingdom into military districts, article 2 and Annex II (supra, Chapter I, under Sweden (b)).

Union of South Africa

(a) Public Health Act No. 36 of 1919

CHAPTER V. PORTS AND INLAND BORDERS OF THE UNION

Application of Provisions

70. The provisions of this Act as regards vessels, except where otherwise expressly stated, shall apply to every vessel of whatsoever kind anchoring off or arriving in any port or being elsewhere within the territorial waters of the Union: Provided that the Minister may, subject to such conditions or limitations as may be prescribed by him, exempt from any such provisions any of His Majesty's warships or any warship of any foreign country, or any vessel engaged solely in the coasting trade and plying only between ports of the Union.

Port Health Officer may inspect Vessels and Persons on Board for the Purpose of Ascertaining whether infection Exists on Board

73. (1) The port health officer may at any time board any vessel and inspect any part thereof or anything therein, and may medically examine any person on board and require any such person to answer any question for the purpose of ascertaining whether or not infection exists or has recently existed on board.

(2) Any person who refuses to allow any such officer to board any vessel or to make any inspection or medical examination as aforesaid or otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer knowing it to be false or misleading, shall be guilty of an offence.

(b) Port Health Regulations, made under Section 86 of the Public Health Act No. 36 of 1919 (Government Notice No. 988 of 16 June 1924, as amended)

Duties of Port Health Officer

1. The port health officer shall be responsible, subject to the instructions of the Minister, for the medical and health inspection of and the granting of pratique to, or the taking of such health measures or precautions as may be necessary in connection with, all vessels arriving at the port; for the sanitary and health supervision of vessels at the port and of the port area and harbour; for the proper carrying out and enforcement, on vessels at the

port and throughout the port area and harbour, of measures for the destruc-
tion of rodents, for preventing the multiplication or migration of rodents, 
and for ensuring the prompt discovery and investigation of any sickness or 
mortality among them possibly due to plague; for the direction and control 
of the sanitary or other staff employed at the port by the Department of 
Public Health; and for the proper carrying out or enforcement of the 
provisions of the Public Health Act, No. 36 of 1919, and the regulations 
thereunder in respect of vessels, passengers, crews, and cargoes at the port 
and of the port area and harbour. He shall carry out his duties so as to 
obviate unnecessary delay or detention of vessels, passengers, or merchandise, 
and in matters which also affect the Railway and Harbour Administration 
or any other Government Department, or the local authority at or adjoining 
the port, shall act in consultation and co-operation with the responsible 
oficers concerned.

(c) Customs Act of 1955

CHAPTER I. ADMINISTRATION OF ACT AND POWERS OF OFFICERS

5. (1) An officer may board and search any vehicle or ship, and may 
search any person found therein or thereon for goods upon which duty has 
not been paid, or in respect of which he has reasonable cause to believe that 
there has been a contravention of any provision of any law relating to 
customs, and may freely remain on such vehicle or ship in pursuance of 
his duties.

7. The Commissioner or the proper officer at any port or place in the 
Union may station any officer on board of any ship or aircraft while within 
the limits of that port or place, and the master of any ship and the pilot of 
any aircraft on board of which an officer is so stationed shall, according to 
his means, provide for such officer accommodation and board to the satisfac-
tion of the Commissioner.

8. (1) The proper officer may board any ship arriving at any port in 
the Union, or being within three miles of the coast thereof, and freely stay 
on board for so long as he deems necessary for the proper performance of 
his duties or until all goods laden therein have been duly delivered from 
such ship, and such officer shall have free access to and the right to rum-
mage every part of the ship and to examine all goods on board, with power 
to fasten down hatchways and to mark any goods before landing and to 
lock up, seal, mark or otherwise secure any goods on board that ship, and 
also the ship’s wireless apparatus.

(2) The proper officer may enter any aircraft arriving in the Union and 
may mutatis mutandis exercise the powers provided for in sub-section (1).

9. (1) The proper officer, if he boards any ship or aircraft under the 
powers conferred by section eight, may, subject to the rules, seal up all.

sealable goods on board the ship or aircraft which are either unconsumed stores of the ship or aircraft or the personal property or in the possession of the master or pilot or any member of the crew thereof, and the master or pilot or members of the crew, as the case may be, shall declare all such sealable goods on the prescribed form. The proper officer may also under direction of the Commissioner seal up any goods, other than sealable goods as defined in sub-section (4), in the possession of the master, pilot, members of the crew or passengers on board the ship or aircraft. Except in accordance with the rules, no person shall break or disturb any seal placed by the officer on such goods while the ship or aircraft remains at any place in the Union, or is proceeding between any places in the Union.

(2) Nothing in this section contained shall in any way affect the provisions of section twenty-two.

(3) The proper officer may permit surplus stores to be entered for home consumption under and subject to the same rules, regulations and duties to which the like kind of goods would be subject on importation, or permit any surplus stores to be entered and warehoused for future use as ships' or aircraft stores, although the same could not be legally imported for home consumption.

(4) For the purposes of this section "sealable goods" means—
   (a) Tobacco, cigars, cigarettes and any other preparations of tobacco or substitutes therefor;
   (b) Any spirits or alcoholic liquors;
   (c) Opium, preparations of opium in any form and opium outfits;
   (d) Cocaine, preparations of cocaine and other habit-forming drugs;
   (e) Saccharine;
   (f) Articles brought or intended as gifts for or for sale to or exchange with any person;
   (g) All excisable goods and non duty-paid goods shipped at a place in the Union as ship's or aircraft stores;
   (h) Any other goods which may from time to time be declared by rule or regulation to be sealable goods.

Note. See also: See Shore Act No. 21 of 1935 (supra, Chapter I, under Union of South Africa (a)), and Proclamation No. 317 of 1929, section 2 (supra, Chapter I, under Union of South Africa (c)).

Union of Soviet Socialist Republics

(a) Regulations of 15 June 1927 for the Defence of the State Frontiers of the USSR

I. General

II. Frontier Zones

9. For the defence of the State frontier of the USSR, the following zones shall be established:

(a) Along land frontiers: 4-metre, 500-metre, 7½-kilometre and 22-kilometre frontier zones measured inward from the line of the State frontier;

(b) Along coastal frontiers: 7½-kilometre and 22-kilometre coastal frontier zones, measured inland from the line of the highest flood-tide;

(c) Along coastal frontiers: a maritime zone extending seaward from the line of the lowest ebb-tide on the mainland and on islands to a distance of twelve miles, except where otherwise provided by international agreements concluded with the USSR.

Note 1. In areas where cordons are stationed at a considerable distance from the State frontier of the USSR and where defence cannot be ensured along the actual line of the state frontier of the USSR, the 7½-kilometre and the 22-kilometre frontier zones shall be measured inward from the line along which the cordons are stationed. In such cases the local population shall be admitted to the territory between the cordons and the frontier according to regulations to be drawn up by the competent authorities of the Unified State Political Department by agreement with the local provincial and area (and corresponding) executive committees.

Note 2. Frontier zones along frontiers following the course of rivers, lakes and artificial waterways shall be measured from the shore line.

10. The 4-metre zone shall be marked by special signs on the ground. Other frontier zones and the twelve mile maritime zone shall be marked on large-scale maps.

III. FRONTIER DEFENCE

A. On land

B. On water

23. Along the whole extent of the State water frontiers of the USSR, and in the maritime zone (article 9, paragraph (c)) of the open seas surrounding the coasts of the USSR, all civilian vessels without distinction of flag shall be subject to control by the frontier defence service of the Unified State Political Department.

Note. This article applies also to civilian flying and aeronautical machines.

24. Control of military vessels by the frontier defence service shall be carried out without distinction of flag according to special regulations.

25. Civilian vessels in the area under the control of the frontier defence service of the Unified State Political Department may without distinction of flag be stopped and searched by the frontier defence service. The captain of a vessel subjected to search shall be obliged to present all the documents in his possession relating to the vessel and cargo.

Note. The signal to stop shall be given by vessels of the frontier defence service of the Unified State Political Department as follows: in the daytime, by hoisting the international signal agreed on for this purpose; at night, by displaying on the mast (above the masthead light) two vertically-arranged green lights. A vessel to which such signal is given shall be obliged to stop and may go ahead only after receiving permission to do so from the vessel which has stopped it.
26. Civilian vessels may be arrested without distinction of flag in the following circumstances:

(a) When the captain does not present all the relevant documents relating to the vessel and cargo;

(b) When in the maritime zone (article 9, paragraph (c)), or at any point on the shore not mentioned in article 7, the vessel proceeds to load or unload cargo or to embark or disembark persons without the proper permission;

(c) When, within the boundaries of the maritime zone (article 9, paragraph (c)), the vessel engages in fishing or hunting or in any other maritime occupation in a prohibited area, or in a free area without proper documents or by unlawful means.

27. The pursuit of a vessel which has failed to comply with the demands of the frontier defence service within the maritime zone (article 9, paragraph (c)) may be continued beyond that zone into the open sea, but must in all circumstances be discontinued on the entry of the pursued vessel into the waters of a foreign State, and the pursuit of a vessel flying a foreign flag must be finally relinquished on the entry of the vessel into a foreign port.

28. If on a civilian vessel, under whatever flag it is sailing, persons are found who have boarded it with the purpose of travelling beyond the boundaries of the USSR without proper permission or have committed offences and are liable to arrest under the law of the USSR or a Union republic, only such persons and not the vessel shall be liable to arrest.

Persons discovered on board a vessel who are there for the purpose of being set ashore on the territory of the USSR without proper permission shall not be taken from the vessel but shall remain on board in the charge of the captain and shall not be allowed ashore.

Note. If in the circumstances mentioned in the first part of this article an unlawful act is committed in respect of a vessel flying the flag of the USSR, the vessel may be arrested.

29. If a vessel is subjected to search or arrest, a special report shall be drawn up and signed by the competent commanding officer of the frontier defence service and by the captain of the vessel subjected to search or arrest.

If the search discloses no violation of an act or regulation, it shall not be necessary to make a report unless the captain of the vessel subjected to search so requests.

The report shall be written in Russian and signed by both parties. If the captain of the vessel subjected to arrest or search requests a copy of the report at the time of signature, he shall forthwith be given a copy in Russian. If, however, the circumstances prevent his being given a copy of the report, forthwith, it shall be sent to the address indicated by him.

30. When a vessel is arrested, all the ship’s papers and freight documents shall be taken from the captain and a general list of them shall be drawn up by him. The documents shall be sewn and tied together, sealed with the seals of the competent commanding officer of the frontier defence service and the captain of the vessel, and attached to the report.

31. If the captain of a stopped or arrested vessel considers the action of the frontier defence service to be irregular or does not agree with the contents of the report, he may make a reservation to that effect in any language on the report itself or as a separate document to be attached thereto.
32. The frontier defence service shall ensure that no fires are lit on the shore which might be taken for guide lights or distinguishing signs.

33. In case of need vessels of the frontier defence service of the Unified State Political Department may navigate at night without regulation lights within the maritime zone (article 9, paragraph (c)).

34. In case of need the frontier defence service may request assistance from the nearest naval vessels of the USSR in accordance with regulations to be laid down by the Unified State Political Department in agreement with the People’s Commissariat for Military and Naval Affairs.

IV. USE OF WEAPONS

35. The frontier defence service shall use weapons in the following circumstances:

(a) To repel armed attacks and put down armed resistance;
(b) To repel an attack or suppress resistance which, though not armed, is conducted by several persons, or by one person in such a way as to expose members of the frontier defence service to evident danger;
(c) When persons under arrest attempt to escape and cannot be prevented from doing so by any other means;
(d) When persons subject to arrest within the 22-kilometre zone or on a frontier river, lake or artificial water-way do not stop after the challenge “Stop!” has been uttered twice and a preliminary warning shot has been fired into the air, and there is no other means of arresting them;
(e) When, after warning by one blank round and two shotted rounds (across bow and stern), a vessel fails to obey the command to stop or discontinue the loading or unloading of cargo or the embarkation or disembarkation of persons;
(f) When flying or aeronautical machines fly over the frontier of the USSR at an unauthorized point or in violation of the regulations.

36. It is prohibited to fire so that a projectile may fall on the territory of an adjacent State.

37. Members of the frontier defence service using weapons unlawfully shall be liable to disciplinary or criminal proceedings according to the nature of the offence.

(b) Act No. 431 of 24 July 1928 Concerning the Use of Radio Equipment on Foreign Vessels within the Territorial Waters of the Union 1

The Council of People’s Commissars of the USSR decrees:

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1 Foreign military and non-military vessels in the marginal seas or inland waters of the USSR at a distance of ten miles from the shore may use their radio equipment only in accordance with the provisions of this Order.

2. Non-military vessels within the transmission area of radio stations on the shore may not exchange radio telegrams except in the cases mentioned in article 7 of this Order.

3. Foreign non-military vessels in ports more than ten miles in a direct line from the nearest shore radio station, and foreign non-military vessels in the Sea of Azov, may use their radio equipment only by special written permission of the master of the commercial port, specifying a time-limit or issued on each separate occasion on which the vessel visits the port or inland waters of the USSR.

If the nearest shore radio station belonging to the People's Commissariat for Military and Naval Affairs or to some other public authority is situated not more than ten miles in a direct line from a commercial port, foreign vessels as aforesaid may receive permission from the master of such commercial port to exchange radio messages only by agreement with the local representatives of the competent authorities.

4. The local naval authorities shall be entitled to restrict the exchange of radio messages by foreign military vessels within the ten-mile limit in respect of time, the areas in which conversations may be conducted, and wave-length.

5. The master of the nearest commercial port shall be responsible for securing compliance with the provisions of article 2 of this Order. He shall close and seal the radio equipment of foreign non-military vessels for the whole duration of the stay of such vessels in the port or within the ten-mile limit mentioned in article 1 of this Order.

6. Foreign vessels anchored in quarantine and requiring to communicate by radio with the local shore radio station may in emergency use their chief transmitter at minimum power or their lowest-powered set at the days and hours notified to them by the said station.

7. The restrictions on the use of the ship's radio equipment laid down in articles 2 to 6 of this Order shall not apply:
   (a) To vessels in danger or transmitting messages to avert an accident;
   (b) To vessels assisting other vessels in distress; and
   (c) In convoying vessels through ice.

On entering ports with shore radio stations, foreign vessels may on especially important occasions conclude a radio conversation commenced with the port, but only if they transfer to minimum power or to their lowest-powered set.

8. Whenever ship's radio equipment is used in accordance with this Order, foreign military and non-military vessels shall comply with the applicable regulations for international radio communication adopted by the USSR and also with the regulations relating to internal radio communications within the USSR. On their arrival in ports of the USSR, foreign vessels shall be informed by the competent local military and naval authorities or by the port authorities of unpublished regulations relating to internal radio communication.

9. Radio messages transmitted by foreign military and non-military vessels must be in clear and must not contain any symbol or code, except conventional signals under the official international rules for radio communication and the international code of signals.
10. The commander or captain of a foreign vessel shall be the person empowered to negotiate with the authorities on all questions arising out of this Order.

11. The provisions of this Order shall have effect only if the USSR is not at war and only in respect of vessels flying the flag of a nonbelligerent State.

12. Persons who violate the regulations set forth in this Order shall be liable under the criminal law of the Union Republic concerned.

13. Instructions for giving effect to this Order shall be issued by the People’s Commissariat of Communications by agreement with the People’s Commissariat for Military and Naval Affairs, the Unified State Political Department (OGPU), the People’s Commissariat for Foreign Affairs and the People’s Commissariat for Posts and Telegraphs.

II

14. The regulations relating to the use of wireless telegraphy by foreign vessels on the coasts or in inland waters of the RSFSR and the Soviet Union Republics, confirmed on 16 January 1923 by the Council of People’s Commissars of the RSFSR (Sobranie Uzakonienye RSFSR, 1923, No. 6, p. 93), are hereby repealed.

(c) Merchant Shipping Code of 14 June 1929 (Annex IX: Concerning property sunken at sea) 1

1. The salvaging of property (a ship, portions of a ship, articles of ship’s equipment, cargo, etc.), sunken in a harbour situated within the coastal area mentioned in article 9, paragraph e, of the Order of 15 June 1927 regarding the defence of the national frontiers of the USSR (Sobranie Zakonov Soyuza SSR, USSR Statutes Series, 1927, No. 62, page 623) or in inland waters of the USSR, shall be carried out in accordance with the provisions set forth in the following articles.

2. When the property is sunken in a harbour or fairway, or near the boundaries of a commercial port, and is obstructing navigation or harbour works, the authorities of the commercial port may fix a time-limit sufficient in the circumstances for the completion of the salvage work, and may also fix a special time-limit for notification by the owner of his intention to salvage the property. If the owner of the sunken property is unknown, the port authorities shall insert in the Izvestie TsIK Soyuza SSR i VTsIK (“News of the Central Executive Committee of the USSR and the All-Russian Central Executive Committee”) a single notice inviting the owner to notify his intention of salvaging the property and to carry out the work of salvage within the time-limits specified by them.

If the flag but not the owner of a sunken foreign vessel is known, then in addition to the fixing of time-limits, the matter shall be reported to the People’s Commissariat for Foreign Affairs.

3. If the owner of sunken property as referred to in article 2 fails to notify the port authorities of his intention of salvaging the property, or to

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salvage it within the time-limit, the port authorities shall take steps to
salvage the property or, where necessary, to destroy or remove it by other
means.

4. In cases not covered by article 2, the owner of sunken property may,
within a year of the date on which the property sank, notify the appropriate
authority of the frontier defence service of the USSR of his intention to
salvage the property. The notification shall specify the time-limit within
which the owner proposes to complete the salvage work. The authority of
the frontier defence service shall set the owner a time-limit sufficient for the
completion of the salvage work.

Note: If the sunken property belongs to the People's Commissariat for
Military and Naval Affairs, the question of salvage and of the time-limits
for the completion of salvage work shall in all cases, except in that of a
sunken ship (article 12), be decided by agreement between the People's
Commissariat for Military and Naval Affairs and the frontier defence
service.

5. For the salvaging of property sunken within the limits of the waters
of a naval base or a fortified area, it shall be necessary, in addition to com-
plying with the provisions of articles 2 to 4, to obtain permission from the
People's Commissariat for Military and Naval Affairs.

6. The appropriate authority of the frontier service shall determine how
the salvage work is to be carried out and, in particular, whether it may
be carried out by the owner of the sunken property or by a salvage under-
taking on his behalf.

7. The owner of the sunken property shall forfeit his rights therein:
(a) In cases where a special time-limit has been fixed for notification of
intention to salvage the sunken property (article 2); from the moment when
he waives his right to raise the property or, if he makes no express waiver,
from the moment of the expiry of such time-limit, or from the moment of
the expiry of the time-limit he has been set for salvaging the sunken property,
if the property has not been raised within that period;
(b) In cases covered by article 4; from the moment of the expiry of the
time-limit of one year from the notification of intention to salvage the sunken
property or of the time-limit fixed for the salvaging of the property, if the
salvage work has not been carried out.

8. If it is necessary immediately to remove the sunken property because
it directly endangers navigation, the port authorities may take the steps
described in article 3 without setting the owner of the property the time-
limits mentioned in article 2; but if the owner is known, they shall inform
him of the steps that have been taken, and if he is not known, they shall
insert a suitable notice in the Izvestie TsIK Soyuza SSR i VTsIK ("News of
the Central Executive Committee of the USSR and the All-Russian Central
Executive Committee").

In the case of military property, the prior approval of the People's Com-
missariat for Military and Naval Affairs must be obtained, before the steps
described in the present article are taken.

9. Property salvaged by port authorities in accordance with article 8 or,
if to keep it would be impossible or inadvisable, the proceeds of its sale,
shall be delivered to its owner if he presents himself not later than two
years from the date on which the property sank.
10. The authorities of the commercial port shall be reimbursed out of the value of the property for the expenses incurred by them in salvaging the property in accordance with articles 3 and 8.

11. If sunken property is salvaged accidentally, the salvager shall be obliged to surrender it to the port authorities concerned but shall be entitled to a reward equal to one-third of its value.

12. The present annex IX to the Merchant Shipping Code of the Union of Soviet Socialist Republics shall not be applicable to ships of the USSR Navy.

(d) Regulations concerning areas in which navigation is restricted and rules for navigation therein

1. It may from time to time be found necessary to forbid ships entry into certain coastal areas of the USSR or to restrict navigation therein. In such cases, the appropriate restrictions will be published in Notices to Mariners and sailing directions; and in cases of extreme emergency, when the relevant instructions cannot be conveyed to mariners in good time, a special “warning service”, operated by special ships, lightships and shore stations, will be set up in the areas affected.

Note. A warning service may, however, also be set up in areas in which the restrictions on navigation have been published in good time.

2. Accordingly, mariners are advised when approaching the coasts of the USSR to pay strict attention to signals displayed by the warning service, as described in paragraphs 4 and 5 of these Regulations.

3. When entering an area in which navigation has been restricted or where a warning service has been set up, mariners are advised, in the interests of safety, to pay strict attention to all regulations in force and to comply scrupulously with any additional instructions issued by the warning service.

4. The distinguishing markings of ships, lightships or shore stations operating the warning service are as follows:
   (a) By day—a triangular blue flag;
   (b) By night—three blue lights hoisted in a vertical line at the gaff.

5. If entry into or navigation in the area is prohibited, the ship, lightship or shore station operating the warning service, shall display, in addition to the distinguishing markings described in paragraph 4 of these Regulations, the following signals:
   (a) By day—three red balls hoisted in a vertical line;
   (b) By night—three red lights hoisted in a vertical line.

6. If entry into or navigation in the area is not prohibited and if the warning service displays no special signals or issues no special instructions with reference to the ship’s course, the ship may proceed to its destination, while observing the rules published in Notices to Mariners and sailing directions.

If, in an area with regard to which no special regulations have been published for navigation and no special instructions have been issued by the

warning service, there are warships present, mariners shall steer their course
to avoid passing between such warships and to avoid any possibility of
collision with them.

7. Pilots shall be acquainted in good time with all regulations to be
strictly observed in cases of restricted navigation.
Issued pursuant to Notices to Mariners, Hydrographic Department,
1936. No. 103.

(e) **NOTICE OF 1941 CONCERNING AREAS IN WHICH NAVIGATION AND ANCHORAGE ARE PROHIBITED**

*Notification of prohibited navigation and anchorage areas*

From time to time the need arises to prohibit navigation and anchorage in
certain coastal waters of the USSR. In such cases, the boundaries of the
areas in which navigation and anchorage are prohibited for all ships without
exception are announced in the Naval Hydrographic Department's Notices to
Mariners.

Such prohibited areas are maintained for a considerable period of time,
and will henceforward be called "prohibited navigation areas".

Areas in which anchorage alone is prohibited are permanent and will
henceforward be called "prohibited anchorage areas".

The boundaries of all prohibited navigation and anchorage areas an-
ounced in the Naval Hydrographic Department's Notices to Mariners
must be marked on navigational charts.

Issued pursuant to HD Notice to Mariners No. 360, 1941.

(f) **NOTICE OF 1941 CONCERNING FORTIFIED ZONES AND RULES FOR NAVIGATION THEREIN**

It may sometimes be found necessary to lay down special conditions, of a
permanent rather than a temporary nature, for navigation in certain areas
contiguous to the Union of Soviet Socialist Republics. Such areas will
henceforth be known as "fortified zones".

All ships sailing in waters contiguous to the Union of Soviet Socialist
Republics are required to conform strictly to the "Rules for Navigation in
Fortified Zones of the USSR" set forth below.

The areas declared to be fortified zones will be announced in the Notices
to Mariners of the Naval Hydrographic Service.

**RULES FOR NAVIGATION IN FORTIFIED ZONES OF THE USSR**

1. These Rules shall apply to all foreign-going merchant ships, whether
of USSR or of foreign nationality.

2. Fortified zones shall be published in the Notices to Mariners of the
Naval Hydrographic Service. Ignorance of them shall not be accepted as
a defence for any breach.

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1 Notices to Mariners, Hydrographic Department, No. 3, 1955. Text of
notice provided by the Permanent Mission of the Union of Soviet Socialist
Republics to the United Nations. Translation by the Secretariat of the United
Nations.
3. No foreign-going merchant ship, whether of USSR or of foreign nationality, may enter or leave a fortified zone without previous authorization.

Where entry into a port open to foreign-going merchant ships necessitates passage through a fortified zone, the procedure for entry into the fortified zone shall be prescribed by special notice in each case.

4. No merchant ship may in any circumstances proceed through a fortified zone without a pilot.

When proceeding through a fortified zone the master of a ship shall promptly carry out any instructions which the pilot may give in conformity with the navigation regulations for that zone (e.g. instructions to darken ship, to order personnel off the upper deck and the like).

5. A merchant ship proceeding through a fortified zone by night shall show fixed lights only, unless special orders to darken ship have been issued or the pilot has given instructions on the subject.

By day, a ship shall be required to fly its national flag, house pennant and distinguishing pennant.

6. A ship proceeding through a fortified zone shall not come to anchor at a distance less than three cables from the centre of the restricted fairway and from the prescribed course.

7. Merchant ships shall give way to warships at all times and shall not hinder their movements and manoeuvres.

8. On the approach of fog, a fortified zone shall be closed to the passage of merchant ships.

Issued pursuant to Notices to Mariners, Hydrographic Department, No. 360, 1941.

(g) Notice of 1955 concerning the salute ports of the USSR

The salute ports of the USSR are Kronstadt, Sevastopol, Vladivostok and Polyarny.

Issued pursuant to Notice to Mariners, Hydrographic Department, No. 8, 1954.

(h) Rules of 1955 concerning distress signals and the notification of dangers to navigation

I. The present rules shall apply to all ships of the merchant fleet of the Union of Soviet Socialist Republics (cargo ships, auxiliaries, icebreakers, factory ships, expedition ships, etc.) and also to foreign merchant ships in the waters of the Union of Soviet Socialist Republics.

II. In these rules the terms “distress signals”, “alarm signal”, “urgency signal” and “safety signal” mean the following:


A. “Distress signals”. When a ship or a seaplane, while afloat, is in distress and requires assistance from other ships or from the shore, the following shall be the signals to be used, either together or separately:

(a) A gun or other explosive signal fired at intervals of about a minute;
(b) A continuous sounding with any fog signal apparatus;
(c) Rockets or shells, throwing red stars, fired one at a time, at short intervals;
(d) A signal made by radiotelegraphy or any other signalling method, consisting of the group ..., ..., ..., ..., in Morse Code;
(e) A signal sent by radiotelephony consisting of the spoken word “Mayday”;
(f) The International Code signal of distress indicated by NC;
(g) A signal consisting of a square flag having either above or below it a ball or anything resembling a ball;
(h) Flames on the ship (as from a burning tar barrel, oil barrel, etc.);
(i) A red parachute flare.

The use of any of the above signals, except for the purpose of indicating that a ship or seaplane is in distress, and the use of any signal which may be confused with any of the above signals is prohibited.

Note. For ships in distress a radio signal designed to actuate the automatic alarm signal on other ships and to draw attention to distress calls or messages has been established. This signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes one second.

B. “The radio alarm signal”. A signal indicating that the calling ship is about to transmit distress signals by radio; this signal consists of twelve dashes.

C. “Urgency signal”. A signal indicating either that a ship, while not in serious and imminent danger, requires assistance, or that a ship wishes to transmit a radio message concerning its own safety or the safety of a person on board or within sight; this signal is transmitted by radiotelegraphy and consists of three repetitions of the group XXX.

D. “Safety signal”. A signal indicating that a message of great importance for the safety of navigation is about to follow; for example, a message concerning an approaching storm, change in the navigational situation, etc.; this signal is sent by radiotelegraphy and consists of the group TTT.

III. The master of every ship encountering dangerous ice, a dangerous derelict, dangerous flotsam, a dangerous tropical storm (a hurricane in the West Indies, a typhoon in the China Seas, a cyclone in the Indian Ocean or a similar storm in other areas) or any other direct danger to navigation shall be bound to communicate the information to all ships in the vicinity and to the nearest shore radio station or other station with which he can communicate, with a view to its transmission to all concerned.

VII. The distress signal may be used only by a ship in serious or imminent danger and requiring immediate assistance, or by a ship which observes that another ship is in serious and imminent danger and is not able to transmit the distress signal, where the latter ship, in the opinion of the master of the calling ship, is in need of assistance.
In all other circumstances the use of the distress signal shall be prohibited. Similarly, the use of any signal which may be confused with distress signals shall be prohibited.

XII. 1. The master of any ship receiving a distress signal from another ship by radiotelegraphy or any other means shall be bound to proceed with all speed to the assistance of the persons in distress.

2. The master of a ship shall be released from this obligation:
   (a) In the event of serious danger to his ship, crew and passengers;
   (b) If it is manifestly impossible for him to arrive in time to render assistance to the ship on distress, and
   (c) In the cases set forth in paragraphs 5 and 6 of this article.

3. The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which have answered his call for assistance, shall have the right to requisition such one or more of those ships as he considers best able to render assistance.

4. It shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

5. The master of a ship proceeding to render assistance shall be released from the obligation imposed by paragraph 1 of this article if he is informed by the master or masters of other ships which are proceeding to the assistance of the ship in distress and have been requisitioned (paragraph 3) that they are complying with the requisition and are proceeding to render assistance.

6. Similarly, the master of a ship proceeding to render assistance shall be released from the obligation imposed by paragraph 1, and if his ship has been requisitioned, from the obligation imposed by paragraph 3, if he is informed by a ship which has reached the persons in distress that assistance is no longer necessary.

7. In the circumstances set forth in paragraph 2 (a) and (b), the master of a ship, on receiving a distress signal, must immediately inform the master of the ship in distress of those circumstances and enter in his log-book his reasons for failing to proceed to the assistance of the latter ship.

XIII. A master of a ship who commits a breach of any of the provisions of the present rules shall be liable to disciplinary or criminal proceedings, as provided by law.

Issued pursuant to Order of the People’s Commissariat for Water Transport of the Union of Soviet Socialist Republics No. 57 of 4 February 1935.

(i) **CIRCULAR CONCERNING THE EXECUTION OF DESCRIPTIVE HYDROGRAPHIC AND HYDROLOGICAL WORK IN SEAS ADJACENT TO THE USSR**

Descriptive hydrographic and hydrological work in seas adjacent to the USSR, within the 12-mile maritime zone of the USSR, shall be carried out exclusively by vessels flying the flag of the USSR.

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1 **Hydrographic Department Circular No. 85 of 16 March 1932. Text of Circular provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.**
Foreign vessels may carry out hydrographic and hydrological work in the said maritime zone only with the authorization of the Government of the USSR.

The competent governmental organs of the USSR shall receive applications for such authorization through the intermediary of the People's Commissariat for Foreign Affairs.

(j) Rules of 20 August 1940 for the sanitary protection of the frontiers

Part IV. Sanitary Control of Ships Arriving at USSR Ports from Foreign Ports or Places

1. On approaching a port of call, the master of a ship shall where possible report to the harbour-master on the state of health of the crew and passengers on board, on any cases of communicable diseases or deaths which have occurred during the voyage, on any unusual mortality of rats observed, and on sanitary conditions in the last port of call or in the port of departure, with a view to the notification of the port sanitary service in good time. The harbour-master shall immediately transmit the information received to the port sanitary service and to the immigration office or frontier guard unit in order that any necessary sanitary measures may be taken in due time.

Where it is possible to report the above-mentioned information, the master of the ship shall do so, as a rule, six hours before the estimated time of arrival of the ship in port.

2. Every ship arriving at a port of the USSR from foreign ports or places shall stop, by agreement with the customs service, at a point indicated to it by the port authority and shall hoist at its foremast the yellow flag "Q" of the International Code of Signals. If the ship has a case of any of the communicable diseases referred to in Part I on board (plague, cholera, yellow fever, typhus or smallpox), the yellow and black flag "L" of the International Code of Signals shall be hoisted.

3. A ship arriving from foreign ports or places shall continue to fly the yellow or the yellow and black flag until the sanitary service gives it free pratique.

Note. By night the flags shall be replaced by a single red light at the foremast.

4. Before the sanitary inspection of the ship, no one except the pilot and, if necessary, the chief immigration officers, shall be permitted to board or leave the ship; no representatives of the local authorities shall be permitted

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1 Approved on 20 August 1940 by the People's Commissariat for Health of the USSR with the agreement of the People's Commissariats of the USSR for Foreign Affairs, Internal Affairs, Foreign Trade, Maritime Shipping, River Shipping, Communications and Agriculture and of the Central Department of the Civil Air Fleet of the USSR. Issued pursuant to articles 4 and 9 of the Order of 23 August 1931 of the Central Executive Committee and the Council of People's Commissars of the USSR concerning the sanitary protection of the frontiers of the USSR (Sobranie Zakonov, 1931, No. 55, page 355). Text of Rules provided by the Permanent Mission of the USSR to the United Nations. Translation by the Secretariat of the United Nations.
to board the ship until the medical officer carrying out the inspection gives his permission; and access by private individuals shall be prohibited until the yellow or the yellow and black flag is lowered.

5. Until a ship arriving from foreign ports or places has been given full rights of free pratique, no authority (port, customs etc.) may give it any instructions concerning the disembarkation of passengers or the unloading of cargo, cattle etc.

6. Where a ship arriving from foreign ports or places stops, on account of damage or for any other navigational reason, at a point on the coast of the USSR where there is no port sanitary service or sanitary control port, the local authorities, in particular the NKVD officers, shall institute strict measures of surveillance in order to ensure that the crew and passengers are prevented from holding intercourse with the shore. The ship’s arrival shall immediately be reported to the sanitary authority, the customs office and the NKVD units of the nearest port or, in certain localities, to the State sanitary inspectorate and the NKVD authorities of the nearest inhabited locality.

7. Before the port sanitary service officer arrives and the sanitary inspection is carried out, the crew and passengers of ships referred to in paragraph 3 shall not be permitted to disembark, except where the ship is in danger; in such cases, the nearest local health, customs, frontier guard or NKVD authority shall be notified immediately of the disembarkation or removal of personnel, in order that the necessary sanitary measures may be taken.

8. A ship, arriving from foreign ports or places at a USSR port, shall not be permitted by the port sanitary service to berth alongside without stopping at the roadstead unless the master has reported to the harbour-master, six hours before arrival, the information referred to in part IV, paragraph 1, of these Rules and the information given is sufficient to indicate whether or not the ship is healthy.

In all other cases, ships arriving from foreign ports or places shall stop at the roadstead for sanitary inspection.

9. Sanitary inspections of ships arriving from foreign ports or places shall be carried out between sunrise and sunset. Ships of regular lines shall be inspected first.

In case of need, a sanitary inspection may be carried out at any hour of the day or night, provided that there is adequate artificial lighting in all parts of the ship.

Note. Rules for the sanitary inspection of foreign ships by night shall be made at each port by the Port Administration in agreement with the heads of the sanitary service and the immigration offices.

10. Infected or damaged ships and ships requiring immediate medical assistance shall be inspected by officers of the sanitary authority at any hour of the day or night.

11. Officers of the sanitary service must keep:

(a) A register of notifications and requests for sanitary inspection of ships, with exact particulars of the day, hour and minute of their receipt and execution;
(b) A register of ships inspected, with a record of their sanitary condition and of sanitary control documents collected and issued.
12. The arrival of a ship at a USSR port from a foreign voyage shall immediately be reported by telephone to the port sanitary service officer, the immigration or NKVD frontier guard officer and the customs service by the Port Administration.

13. The departure of a ship from a USSR port on a foreign voyage shall be reported by telephone to the sanitary service officer and the immigration office or the NKVD frontier guard by the Port Administration as soon as all sailing preparations are completed.

The port Administration shall instruct the master of the departing ship to ensure that all the crew are on board on the arrival of the sanitary service officer for the ship's inspection.

14. When carrying out their duties, port sanitary service officers must carry identification papers issued by the head of the port sanitary service. When visiting a foreign-going ship, a port sanitary service officer must also carry the special permit to board such ships issued by immigration offices.

15. Before taking any sanitary measures the cost of which must be borne by the ship, the port sanitary service shall inform the master of the ship of the coast of the said measures.

16. In taking any measures under these Rules which are liable to restrict movement, port sanitary service officers must so far as possible, especially in the case of uninfected ships, limit themselves to such measures as are absolutely indispensable. In so doing they shall take into consideration any preventive measures taken on departure of the ship from an infected port or during the voyage, the presence of a doctor on board and the ship's disinfection, disinsectization and deratization facilities, and any other circumstances which might enable them to determine the degree of danger of the introduction of communicable diseases; for example, whether the ship has the requisite bill of health, the measures applied at the ship's port of departure, any periodic deratizations carried out and so forth.

17. The port sanitary service may require the ship's doctor or, failing him, the master of the ship or his deputy, to submit an official statement that there have been no cases of cholera, plague, yellow fever, typhus or smallpox on board since the ship's departure from a specified infected port or within the time-limits laid down in these Rules before the ship's arrival at a USSR port.

18. Any ship arriving in port which does not wish to submit to measures prescribed by the sanitary service shall be at liberty to put back to sea. Such a ship may however be permitted to land goods, if the ship is isolated and if the goods are subjected to the measures laid down in these Rules. It may also, by agreement with the customs authority, the frontier guard or the NKVD authorities, be permitted to disembark passengers at their request, on condition that they comply with the measures prescribed by the port sanitary service. The ship may also, while remaining isolated, take on fuel, foodstuffs and water.

19. The sanitary service of the port of arrival shall, when requested, furnish the master or the shipowner or his agent with a certificate specifying the nature of the sanitary measures taken and the reasons why they were applied. Persons arriving on board such ships shall be entitled to receive from the port sanitary service certificates stating the time of their arrival and the measures to which they have been subjected.
20. Ships arriving from an infected port which have been subjected to adequate sanitary measures in any port of a foreign State shall not be subjected to these measures again on their arrival at a USSR port, provided that there has been no single case of disease since the sanitary measures were applied and that the ship has not called at an infected port.

Note. A ship shall not be deemed to have called at a port if, without having been in contact with the shore, it has landed only passengers and luggage, and mails, or if it has taken on board only mails or passengers, with or without luggage, who have not been in communication with the port or with infected localities. In the case of yellow fever the ship must, in addition, have remained as far as possible, and in no circumstances less than two hundred metres, off shore, in order to prevent access of infection-bearing mosquitoes (Stegomyia).

21. Ships arriving from foreign ports or places which have been given free pratique at a USSR port during a non-epidemic period shall be permitted to enter another USSR port on the same coast after an officer of the port sanitary service has interrogated the master of the ship and the ship's doctor. However, if one or more ports of the said coast are declared by the People's Commissariat of Health of the USSR to be infected with one of the communicable diseases referred to in these Rules, all ships leaving or having called at such ports shall be subjected to the measures prescribed for ships arriving from foreign ports or places.

22. On visiting foreign ports and during their stay in such ports, ships sailing under the flag of the USSR shall observe the provisions of the International Sanitary Convention. When visiting ports of States with which the USSR has concluded separate sanitary conventions, they shall in addition observe the provisions of those conventions and shall comply with all sanitary measures prescribed for them by the foreign sanitary authorities, if these measures are in conformity with the aforesaid conventions.

23. Where misunderstandings arise in foreign ports in connexion with any demands made by the local sanitary authorities, the master of a ship sailing under the flag of the USSR must call upon a plenipotentiary representative or consul of the USSR in the country concerned for assistance in disposing of them.

(k) Order of 23 August 1931 of the Central Executive Committee and the Council of People's Commissars of the USSR Concerning the Sanitary Protection of the Frontiers of the USSR

Having regard to the ratification by the Government of the USSR of the International Sanitary Convention signed at Paris on 21 June 1926 (Sobranie Zakonov, 1929, Part II, No. 19, p. 106), the Central Executive Committee and the Council of People's Commissars of the USSR hereby order as follows:

1. The purpose of the sanitary protection of the land and sea frontiers of the USSR is to prevent the introduction of communicable diseases into the USSR from abroad and their transmission abroad from the USSR.
The following shall be deemed to be communicable diseases within the meaning of this Order: plague, cholera, yellow fever and, if prevailing in epidemic form, typhus and smallpox.

(l) **Customs Code of 19 December 1928**

### SECTION II

**Carriage of goods by sea in foreign-going ships**

28. Ships shall be permitted to arrive from foreign ports and places and to depart for foreign ports and places at points where there are customs offices or temporary customs posts opened pursuant to article 26. A list of such points shall be compiled by the People's Commissariat of Foreign Trade of the Union of Soviet Socialist Republics by agreement with the People's Commissariat of the Merchant Fleet, the People's Commissariat of Internal Affairs and the People's Commissariat of Foreign Affairs, and shall be published for the information of all concerned.

29. The procedure for the customs reception and clearance of ships shall be prescribed in regulations approved by the People's Commissariat of Foreign Trade of the Union of Soviet Socialist Republics.

50. The customs office shall have the right to inspect ships arriving from foreign ports or places within the limits of port waters and at any time while such vessels are lying in port.

57. Warships on operational duty sailing under the flag or belonging to the naval reserve shall not be subject to customs inspection.

Other ships of the Workers' and Peasants' Red Fleet, in particular warships which have completed a tour of operational duty may, after the crew has been disembarked, be subjected to customs inspection only if there are grounds to believe that there is contraband concealed on board; in each such case the local naval command shall be notified.

The unloading or transshipment of any articles from warships entering ports of the Union of Soviet Socialist Republics from foreign ports or places may be carried out only under the supervision of the customs office, which must be given prior notice of the time of unloading or transshipment by the captain of the ship.

The same procedure shall be followed for the customs inspection of the belongings of the crew of a warship arriving from foreign ports or places after completion of a tour of operational duty, or disembarkation of the crew.

**Note.** The term “warship” means any ship equipped with naval armament, manned by naval personnel and sailing under a naval or frontier flag.

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1 Approved by Order of 19 December 1928 of the Central Executive Committee and the Council of People's Commissars of the Union of Soviet Socialist Republics. Text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.
guard flag, and any ship of the maritime security department employed on
naval operational duties by special order of the naval command.

59. The customs inspection rules prescribed for ships of the Workers' and Peasants' Red Fleet shall also apply to foreign warships.

Note. See also: Regulation of 29 March 1952 concerning the procedure for investigation of shipping casualties (infra, Chapter II, Section B, under USSR (a)); and Penal Code (infra, Chapter II, Section B, under USSR (b)).

United Kingdom of Great Britain and Northern Ireland

(a) Merchant Shipping Act, 1894¹

PART V. SAFETY

Prevention of Collisions

418. Collision regulation. (1) Her Majesty may, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the collision regulations), shall have effect as if enacted in this Act.

(2) The collision regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction and in any case arising in a British court concerning matters arising within British jurisdiction, foreign ships shall, so far as respects the collision regulations and the said provisions of this Act, be treated as if they were British ships.

424. Application of collision regulations to foreign ships. Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ship shall for the purpose of such regulations and provisions be treated as if they were British ships.

PART VI. SPECIAL SHIPPING INQUIRIES AND COURTS

Inquiries and Investigations as to Shipping Casualties

464. Shipping casualties. For the purpose of inquiries and investigations under this Part of this Act, a shipping casualty shall be deemed to occur —

When on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged;

When on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom;

When on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship;

When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom;

When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom;

When in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom;

When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

465. Preliminary inquiry into shipping casualties. (1) Where a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by the following persons; namely,—

(a) Where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief officer of customs residing at or near the place at which the casualty occurs; or

(b) Where the shipping casualty occurs elsewhere, by the inspecting officer of the coastguard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(c) In any case by any person appointed for the purpose by the Board of Trade.

(2) For the purpose of any such inquiry, the person holding the same shall have the powers of a Board of Trade inspector under this Act.

PART IX. WRECK AND SALVAGE

Vessels in Distress

510. Definition of “wreck” and “salvage”. In this Part of this Act, unless the context otherwise requires—

(1) The expression “wreck” includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water;

(2) The expression “salvage” includes all expenses, properly incurred by the salvor in the performance of the salvage services.

511. Duty of receiver where vessel in distress. (1) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.
If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

517. Examination in respect of ships in distress. (1) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)

(a) The name and description of the ship;
(b) The name of the master and of the owners;
(c) The names of the owners of the cargo;
(d) The ports from and to which the ship was bound;
(e) The occasion of the distress of the ship;
(f) The services rendered; and
(g) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the Secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.

(3) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

Dealing with Wreck

519. Penalty for taking wreck at time of casualty. (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

(2) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

Removal of Wrecks

530. Removal of wreck by harbour or conservancy authority. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach
thereto, in such manner as in the opinion of the authority to be, or be likely
to become, an obstruction or danger to navigation or to lifeboats engaged
in lifeboat service in that harbour or water or in any approach thereto,
that authority may —

(a) Take possession of, and raise, remove, or destroy the whole or any
part of the vessel; and

(b) Light or buoy any such vessel or part until the raising, removal, or
destruction thereof; and

(c) Sell, in such manner as they think fit, any vessel or part so raised or
removed, and also any other property recovered in the exercise of their
powers under this section, and out of the proceeds of the sale reimburse
themselves for the expenses incurred by them in relation thereto under this
section, and the authority shall hold the surplus, if any, of the proceeds in
trust for the persons entitled thereto.

Provided as follows:

(1) A sale shall not (except in the case of property which is of a perish-
able nature, or which would deteriorate in value by delay) be made under
this section until at least seven clear days notice of the intended sale has
been given by advertisement in some local newspaper circulating in or near
the district over which the authority have control; and

(2) At any time before any property is sold under this section, the
owner thereof shall be entitled to have the same delivered to him on payment
to the authority of the fair market value thereof, to be ascertained by agree-
ment between the authority and the owner, or failing agreement by some
person to be named for the purpose by the Board of Trade, and the sum
paid to the authority as the value of any property under this provision
shall, for the purposes of this section, be deemed to be the proceeds of sale
of that property.

531. Power of lighthouse authority to remove wreck. (1) Where any vessel
is sunk, stranded, or abandoned in any fairway, or on the seashore or on
or near any rock, shoal, or bank, in the British Islands, or any of the adja-
cent seas or islands, and there is not any harbour or conservancy authority
having power to raise, remove, or destroy the vessel, the general lighthouse
authority for the place in or near which the vessel is situate shall, if in their
opinion the vessel is, or is likely to become, an obstruction or danger to
navigation or to lifeboats engaged in the lifeboat service, have the same
powers in relation thereto as are by this Part of this Act conferred upon a
harbour or conservancy authority.

(2) All expenses incurred by the general lighthouse authority under this
section, and not reimbursed in manner provided by this Part of this Act,
shall be paid out of the Mercantile Marine Fund, but shall be subject to
the like estimate, account, and sanction as the expenses of a general light-
house authority, other than establishment expenses.

532. Powers of removal to extend to tackle, cargo, etc. The provisions of this
Part of this Act relating to removal of wrecks shall apply to every article
or thing or collection of things being or forming part of the tackle, equip-
ments, cargo, stores, or ballast of a vessel in the same manner as if it were
included in the term “vessel”, and for the purposes of these provisions any
proceeds of sale arising from a vessel and from the cargo thereof, or any
other property recovered therefrom, shall be regarded as a common fund.
Offences in respect of Wreck

535. **Taking wreck to foreign port.** If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

536. **Interfering with wrecked vessel or wreck.** (1) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force.

(2) A person shall not —

(a) Impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;

(b) Secrete any wreck, or deface or obliterate any marks thereon; or

(c) Wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck, and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

537. **Summary procedure for concealment of wreck.** (1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to any justice of the peace for a search warrant and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof, may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow.

Salvage

544. **Salvage payable for saving life.** (1) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.
(2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the Mercantile Marine Fund, such sum as they think fit in whole or part satisfaction of any amount of salvage so left unpaid.

545. Salvage of life from foreign vessels. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country, when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

546. Salvage of cargo or wreck. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner hereinafter mentioned.

Jurisdiction of High Court in Salvage

565. Jurisdiction of High Court in salvage. Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Duties on Wreck

569. Provisions as to duties, etc. on wrecked goods. (1) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.

(2) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded.
or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take security for the due protection of the revenue in respect of those goods.

PART XI. LIGHTHOUSES

General Management

634. Management of lighthouses, buoys, and beacons. (1) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, (in this Act referred to as "local lighthouse authorities"), the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—

(a) Throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, and at Gibraltar, in the Trinity House;

(b) Throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and

(c) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

and those bodies are in this Act referred to as the general lighthouse authorities, and those areas as lighthouse areas.

(2) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Light Dues

643. Light dues payable in respect of certain ships. ... Light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

647. Publication of light dues and regulations. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the chief officers of customs at the custom houses of the places at which they are respectively resident.

Lighthouses, etc. in Colonies

670. Dues for colonial lighthouses, etc. (1) Where any lighthouse, buoy, or beacon has, either before or after the passing of this Act, been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession, Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be
paid in respect of that lighthouse, buoy, or beacon by the owner or master of every ship which passes the same and derives benefit therefrom, as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown, or by Act or ordinance duly passed, signified its opinion that the dues ought to be levied.

PART XIII. LEGAL PROCEEDINGS

Jurisdiction

684. Provision as to jurisdiction in case of offences. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

685. Jurisdiction over ships lying off the coasts. (1) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate.

(2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

Damage occasioned by Foreign Ship

688. Power to arrest foreign ship that has occasioned damage.

(1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by the judge, court, or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages
that may be awarded thereon; and any officer of customs or other officer
to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under
this section, the ship in respect of which the application is to be made will
have departed from the limits of the United Kingdom or three miles from
the coast thereof, the ship may be detained for such time as will allow the
application to be made, and the result thereof to be communicated to the
officer detaining the ship, and that officer shall not be liable for any costs or
damages in respect of the detention unless the same is proved to have been
made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid,
the person giving security shall be made defendant or defender, and shall
be stated to be the owner of the ship that has occasioned the damage; and
the production of the order of the judge, court, or sheriff made in relation
to the security shall be conclusive evidence of the liability of the defendant
or defender to the proceeding.

(b) **FOREIGN ENLISTMENT ACT, 1870**  

**Preliminary**

2. *Application of Act.* This Act shall extend to all the dominions of Her
Majesty, including the adjacent territorial waters.

**Illegal Enlistment**

7. *Penalty on taking illegally enlisted persons on board ship.* If the master or
owner of any ship, without the licence of Her Majesty, knowingly either
takes on board, or engages to take on board, or has on board such ship
within Her Majesty's dominions, any of the following persons, in this Act
referred to as illegally enlisted persons; that is to say,

(1) Any person who, being a British subject within or without the domi-
nions of Her Majesty, has, without the licence of Her Majesty, accepted or
agreed to accept any commission or engagement in the military or naval
service of any foreign state at war with any friendly state;

(2) Any person, being a British subject, who, without the licence of
Her Majesty, is about to quit Her Majesty's dominions with intent to
accept any commission or engagement in the military or naval service of
any foreign state at war with a friendly state;

(3) Any person who has been induced to embark under a misrepresen-
tation or false representation of the service in which such person is to be
engaged, with the intent or in order that such person may accept or agree
to accept any commission or engagement in the military or naval service of
any foreign state at war with a friendly state;

Such master or owner shall be guilty of an offence against this Act, and the
following consequences shall ensue; that is to say,

(1) The offender shall be punishable by fine and imprisonment, or
either of such punishments, at the discretion of the court before which the

offender is convicted; and imprisonment, if awarded, may be either with
or without hard labour; and
(2) Such ship shall be detained until the trial and conviction or acquittal
of the master or owner, and until all penalties inflicted on the master or
owner have been paid, or the master or owner has given security for the
payment of such penalties to the satisfaction of two justices of the peace, or
other magistrate or magistrates having the authority of two justices of the
peace; and
(3) All illegally enlisted persons shall immediately on the discovery of
the offence be taken on shore, and shall not be allowed to return to the ship.

Illegal Prize

14. *Illegal prize brought into British ports restored.* If, during the continu-
ance of any war in which Her Majesty may be neutral, any ship, goods, or
merchandise captured as prize of war within the territorial jurisdiction of
Her Majesty, in violation of the neutrality of this realm, or captured by any
ship which may have been built, equipped, commissioned, or despatched,
or the force of which may have been augmented, contrary to the provisions
of this Act, are brought within the limits of Her Majesty's dominions by the
captor, or any agent of the captor, or by any person having come into
possession thereof with knowledge that the same was prize of war so cap-
tured as aforesaid, it shall be lawful for the original owner of such prize,
or his agent, or for any person authorized in that behalf by the Government
of the foreign state to which such owner belongs, to make application to the
Court of Admiralty for seizure and detention of such prize, and the court
shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same
manner, and subject to the same right of appeal, as in case of any order
made in the exercise of the ordinary jurisdiction of such court; and in the
meantime and until a final order has been made on such application the
court shall have power to make all such provisional and other orders as to
the care or custody of such captured ship, goods, or merchandise, and (if
the same be of perishable nature, or incurring risk of deterioration) for the
sale thereof, and with respect to the deposit or investment of the proceeds
of any such sale, as may be made by such court in the exercise of its ordinary
jurisdiction.

Legal Procedure

21. *Officers authorized to seize offending ships.* The following officers, that
is to say,
(1) Any officer of customs in the United Kingdom, subject nevertheless
to any special or general instructions from the Commissioners of Customs,
or any officer of the Board of Trade, subject nevertheless to any special or
general instructions from the Board of Trade;
(2) Any officer of customs or public officer in any British possession,
subject nevertheless to any special or general instructions from the governor
of such possession;
(3) Any commissioned officer on full pay in the military service of the
Crown, subject nevertheless to any special or general instructions from his
commanding officer;
(4) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer, may seize or detain any ship liable to be seized or detained in pursuance of this Act, and such officers are in this Act referred to as the "local authority"; but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

23. Special power of Secretary of State or chief executive authority to detain ship. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause of believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner herein-after mentioned.

24. Special power of local authority to detain ship. Where it is represented to any local authority, as defined by this Act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority.

(c) Queen's Regulations and Admiralty Instructions, 1953

Foreign Relations

2810. Neutrality. When Powers in amity with Her Majesty are in a state of war, or are engaged in hostilities, it is the duty of all Her Majesty's officers to observe a strict and impartial neutrality between the contending parties, and to respect unreservedly the just exercise of their respective belligerent rights.

2811. Respect of territorial limits. The territorial limits of foreign powers in amity with Her Majesty are scrupulously to be respected, in so far as they do not exceed the limits generally recognised in international law. No exercise of authority over the persons, the ships, or the goods of another
nation is permissible in territorial waters, nor are any gun firing or other practices or hydrographic surveys to take place within such limits without the permission of the appropriate authorities.

2815. Foreign Enlistment Act 1870. Any naval or Royal Marine officer may be called upon to exercise certain responsibilities under the Act and, although he is unlikely to have to do so without instructions from the Admiralty, he is also expected to bring to the notice of higher authority suspected breaches or impending breaches of it. It is therefore desirable that officers should have a general knowledge of the purposes of the Act.

(3) It is also an offence for the master or owner of any ship, whether British or not, in British territory to take on board any British subject who intends to enlist in the armed forces of a foreign state at war with a friendly power.

(4) It is also an offence for any person in British territory, whether British himself or not, to attempt to induce a British subject to enlist in the armed forces of a foreign state at war with a friendly power.

(5) The normal procedure under the Act in the case of a ship is to obtain an order of the High Court or similar authority against her. Any Customs Officer, or Ministry of Transport officer or naval or military or air force officer on full pay may then be called upon to seize and detain the ship.

(6) In the United Kingdom a Secretary of State, or in other British territory the chief executive authority, may issue a warrant for the detention of such a ship if he has reasonable and probable cause for believing that the ship is about to be used for a purpose contrary to the Act. The officers mentioned in the preceding clause may be called upon to detain the ship under the warrant of the Secretary of State or the chief executive authority. In such cases the onus is upon the owner to show that he is not guilty of the suspected offence. If he is successful in doing so, the Crown may be liable for damages.

(7) In cases of extreme urgency, e.g. where the ship would have sailed for a foreign port before a warrant could be obtained, local authorities, including local naval authorities, may detain a ship under the Act, communicating the fact forthwith to the Government department concerned. Since wrongful detention in these circumstances will mean that the Crown has to pay damages, it is obvious that the evidence of an intended infringement of the Act must be very strong to justify detention by local authorities on their own initiative even in cases of extreme urgency.

(8) Special caution is to be used in dealing with armed ships.

(10) The powers of seizure and detention given to officers as above are exercisable in British territorial waters over any private ship whatever be her nationality.

(11) These powers are also exercisable on the high seas, not being territorial waters, over British ships but over no other ships.

(12) They are not exercisable over any ship in foreign territorial waters.

(13) They are not exercisable in any waters over any ship of war of any foreign state.
18. **Prohibition of excavation, etc. of materials on or under the seashore.** (1) Subject to the provisions of this section, and notwithstanding anything contained in any other enactment, it shall be unlawful to excavate or remove any materials (other than minerals more than fifty feet below the surface) on, under or forming part of any portion of the seashore to which the provisions of this section are applied.

(2) The provisions of the last foregoing subsection shall not affect the excavation or removal of any materials by the Minister of Transport in the exercise of the powers conferred upon him by Part II of this Act, or the excavation or removal thereof by any other person in compliance with a notice served by that Minister under the said Part II.

(3) A coast protection authority may make an order applying the provisions of this section to any such portion of the seashore within their area or lying to seaward therefrom as may be described in the order:

Provided that the order may, as respects the whole of that portion of the seashore or any such part thereof as may be specified in the order, except from the provisions of subsection (1) of this section the carrying out of operations of any such class as may be so specified, and any such exception may be either unconditional or subject to such conditions as may be specified in the order.

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**PART II**

**Provisions for Safety of Navigation**

34. **Restriction of works detrimental to navigation.** (1) Subject to the provisions of the next following section, no person shall without the consent in writing of the Minister of Transport carry out any of the following operations, that is to say,

(a) Construct, alter or improve any works on, under or over any part of the seashore lying below high water mark of ordinary spring tides;

(b) Deposit any object or any materials on any such part of the seashore as aforesaid, or

(c) Remove any object or any materials from any part of the seashore lying below low water mark of ordinary spring tides, so that obstruction or danger to navigation is caused or is likely to result.

49. **Interpretation.** (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

Subject to the provisions of the next following subsection, “seashore” means the bed and shore of the sea, and of every channel, creek, bay or

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estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore; “surface”, in relation to land covered by water, means the surface of the land;

(e) River Boards Act, 1948

Establishment and Functions of River Boards

5. (1) A river board area shall—
(a) For the purposes of the functions of the river board relating to fisheries, include those tidal waters and parts of the sea adjoining the coast of the river board area within which His Majesty's subjects have the exclusive right of fishing; and
(b) For the purposes of the functions of the river board relating to river pollution, include such tidal waters and parts of the sea adjoining the coast of the river board area as are included in the definition of “stream” for the purposes of the Rivers Pollution Prevention Act, 1876, by virtue of an order made, whether before or after the passing of this Act, under section twenty of that Act or section fifty-five of the Salmon and Freshwater Fisheries Act, 1923.
(2) Any question arising under the preceding subsection as to the extent of the tidal waters or parts of the sea included in any river board area for the purposes mentioned in paragraph (a) of that subsection shall be determined by the Minister of Agriculture and Fisheries.

(f) Rivers (Prevention of Pollution) (Scotland) Act, 1951

PART IV. GENERAL

Tidal Waters

29. (1) The provisions of this Act shall, as from such day as the Secretary of State may by order appoint for the purpose, apply to the tidal waters specified in the Second Schedule to this Act, subject, however, to such modifications of those provisions as may be specified in the order and to any restrictions on the powers exercisable thereunder by a river purification authority which may be so specified.
(2) Subject to this section, the Secretary of State may by order direct that the provisions of this Act shall apply to any tidal waters (other than the tidal waters referred to in the foregoing subsection) specified in the order, subject, however, to such modifications of those provisions as may be so specified and to any restrictions on the powers exercisable thereunder by a river purification authority which may be so specified.

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1 11 & 12 Geo. 6, Ch. 32. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
2 14 & 15 Geo. 6, Ch. 66. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
35. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say —

“tidal waters” means any part of the sea or the tidal part of any river, watercourse or inland water (whether natural or artificial) and includes the waters of any enclosed dock which adjoins tidal waters;

SECOND SCHEDULE

Tidal Waters to which this Act Applies

1. The tidal waters of the Firth of Clyde (including the waters of Holy Loch, Loch Goil, Loch Long and Gareloch) to the north and east of an imaginary line drawn across the Firth of Clyde in a westerly direction from Cloch Point in the County of Renfrew to Castle Hill, Dunoon, in the County of Argyll and of any stream flowing into those waters.

2. The tidal waters of the Firth of Forth west of an imaginary line drawn across the Firth of Forth in a southerly direction from Kincraig Point in the County of Fife to Gullane Point in the County of East Lothian and of any stream flowing into those waters.

(g) PILOTAGE ACT, 1913,

Recovery, etc. of Pilotage Dues

49. (1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained, namely:

(a) The owner or master;

(b) As to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge;

(c) As to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her departure;

and those dues may be recovered in the same manner as fines of like amount under the Merchant Shipping Act, 1894, but that recovery shall not take place until a previous demand has been made in writing.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

50. A licensed pilot shall not demand or receive, and a master shall not offer or pay to any licensed pilot, dues in respect of pilotage services at any other rates, whether greater or less, than the rates which may be demanded.

1 2 & 3 Geo. 5. Chp. 31. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
by law, and, if a pilot or master acts in contravention of this enactment, he shall be liable in respect of each offence to a fine not exceeding ten pounds.

51. If any boat or ship, having on board a licensed pilot, leads any ship which has not a licensed pilot on board when the last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

(h) Customs and Excise Act, 1952 ¹

PART II. IMPORTATION, EXPORTATION AND CARRIAGE COASTWISE PORTS,

Port, customs airports, customs stations, etc.

19. Officers' powers of boarding. (1) At any time while a ship is within the limits of a port, or an aircraft is at a customs airport, or a vehicle is on an approved route, any officer and any other person duly engaged in the prevention of smuggling may board the ship, aircraft or vehicle and remain therein and rummage and search any part thereof.

(2) The Commissioners may station officers in any ship at any time while it is within the limits of a port, and if the master of any ship neglects or refuses to provide reasonable accommodation below decks for any officer stationed therein, or means of safe access to and egress from the ship in accordance with the requirements of any such officer, he shall be liable to a penalty of twenty pounds.

21. Officers' powers of detention of ships, etc. (1) Where at the expiration of a period, in the case of a ship or vehicle, of twenty-one or, in the case of an aircraft, of seven clear days from the date of making due report under section twenty-six of this Act of any ship, vehicle or aircraft, or such longer period as the Commissioners may in any case allow, any goods are still on board the ship, vehicle or aircraft, the proper officer may detain that ship, vehicle or aircraft until —

(a) Any expenses properly incurred in watching and guarding the goods beyond the said period, except, in the case of a ship or aircraft, in respect of the day of clearance inwards; and

(b) Where the goods are removed by virtue of any provision of this Act from the ship, vehicle or aircraft to a Queen's warehouse, the expenses of that removal, have been repaid to the Commissioners.

(2) Where, in the case of any derelict or other ship or aircraft coming, driven or brought into the United Kingdom under legal process, by stress of weather or for safety, or in the case of any vehicle in Northern Ireland which suffers any mishap, it is necessary to station any officer in charge thereof, whether on board or otherwise, for the protection of the revenue, the proper officer may detain that ship, aircraft or vehicle until any expenses thereby incurred by the Commissioners have been repaid.

Forfeiture of ships, etc., for certain offences

75. **Forfeiture of ship, etc., constructed, etc., for concealing goods.** Where—
   (a) A ship is or has been within the limits of any port or within three or, being a British ship, twelve nautical miles of the coast of the United Kingdom; or
   (b) An aircraft is or has been at any place, whether on land or on water, in the United Kingdom; or
   (c) A vehicle is or has been within the limits of any port or at any aerodrome or, while in Northern Ireland, within the prescribed area, while constructed, adapted, altered or fitted in any manner for the purpose of concealing goods, that ship, aircraft or vehicle shall be liable to forfeiture.

**Notes**

Isle of Man. This section, in so far as it relates to customs, applies to the Isle of Man as if that island were part of the United Kingdom . . .

76. **Forfeiture of ship jettisoning cargo, etc.** (1) If any part of the cargo of a ship is thrown overboard, or is staved or destroyed to prevent seizure—
   (a) While the ship is within three nautical miles of the coast of the United Kingdom; or
   (b) Where the ship, having been properly summoned to bring to by any vessel in the service of Her Majesty, fails so to do and chase is given, at any time during the chase, the ship shall be liable to forfeiture.

   (2) For the purposes of this section a ship shall be deemed to have been properly summoned to bring to—
   (a) If the vessel making the summons did so by means of an international signal code or other recognised means and while flying her proper ensign; and
   (b) In the case of a ship which is not a British ship, if at the time when the summons was made the ship was within three nautical miles of the coast of the United Kingdom.

**Notes**

Three nautical miles. Formerly the distance was three leagues, i.e., nine miles.

77. **Forfeiture of ship or aircraft unable to account for missing cargo.** Where a ship has been within the limits of any port, or an aircraft has been in the United Kingdom, with a cargo on board and a substantial part of that cargo is afterwards found to be missing, then, if the master of the ship or commander of the aircraft fails to account therefor to the satisfaction of the Commissioners, the ship or aircraft shall be liable to forfeiture.

**Notes**

Isle of Man. This section, so far as it relates to customs, applies to the Isle of Man as if that island were part of the United Kingdom . . .
Note. See also: Oil in Navigable Waters Act, 1955 (3 & 4 Eliz. 2, ch. 25)—this Act, which has not yet been brought into operation, will replace the Oil in Navigable Waters Act of 1922 (12 & 13 Geo. 5, c. 39)—; Rivers (Prevention of Pollution) Act of 1951 (14 & 15 Geo. 6, ch. 64); General Pier and Harbour Act of 1861 (24 & 25 Vict., Cap. 45), and Harbours, Dock and Piers Clauses Act of 1847 (10 Vict., Cap. 27).

British Guiana

Shipping Casualties (Investigation and Prevention) Ordinance, 1883/1895 1

PART I. INVESTIGATION

2. In this Part of this Ordinance, unless the context otherwise requires—
   "the court" means a court of inquiry appointed under the provisions of this Part of this Ordinance;
   "ship" means any sea-going vessel or steamer.

3. Nothing in this Part of this Ordinance shall be deemed to apply to any ship belonging to or in the service of Her Majesty or to any ship belonging to any foreign Prince or State.

Court of Inquiry

4. The Governor in his discretion may appoint a court of inquiry under this Part of this Ordinance—
   (a) In any of the following cases, that is to say, whenever—
      (i) Any ship has been lost, abandoned, or damaged on or near the coasts of the Colony; or
      (ii) By reason of any casualty happening to or on board of any ship on or near those coasts, loss of life has ensued; or
      (iii) Any ship has caused loss or damage to any other ship on or near those coasts; or
      (iv) The loss, abandonment, damage, or casualty has happened elsewhere to any British ship and any competent witness thereof has arrived or is to be found at any place in the Colony; or
      (v) Any British ship is supposed to have been lost and any evidence can be obtained in the Colony as to the circumstances under which that ship proceeded to sea or was last heard of; and . . .

   . . .

Proceedings on Inquiry

10. The members of the court may go on board a ship in respect of which an inquiry is held, and may inspect her or any part of her, or any of the machinery, boats, equipment or articles on board, not unnecessarily detaining or delaying her from proceeding on any voyage.

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PART II. PREVENTION

Inspectors of Shipping

20. Every inspector shall have the following powers with respect to all vessels employed in coasting voyages and to vessels of less than one hundred and fifty tons employed in voyages between the Colony and any place without the Colony, that is to say, he may—

(a) Go on board the vessel within the territorial waters of the Colony and inspect it or any part of it or any of its machinery, boats, or equipments;

(b) Demand of the owner or master of the vessel the production of any certificate of survey or inspection issued in respect thereof;

(c) If he considers that the vessel is overloaded and that it would be dangerous to those on board to proceed on any voyage while so loaded, require the removal of any portion of the cargo or load he thinks necessary, and may detain the vessel until the portion is so removed or until the Comptroller of Customs otherwise directs; and,

(d) When he considers that the vessel is for any reason unfit to proceed to sea or on an intended voyage, detain her until he can report the circumstances to the Comptroller of Customs and until the Comptroller of Customs otherwise directs.

Collision between Ships

24. (1) In every case of collision between two ships within the territorial waters of the Colony, it shall be the duty of the master of each ship, if and so far as he can do so without danger to his own ship, crew, and passengers, if any, to stay by the other ship until he has ascertained that she has no need of further assistance, and to render to the other ship, her master, crew, and passengers, if any, such assistance as is practicable and necessary in order to save them from any danger caused by the collision, and also to give to the master the name of his own ship and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

(2) If he fails to do so, and no reasonable cause for his failure is shown, the collision, in the absence of proof to the contrary, shall be deemed to have been caused by his wrongful act, neglect, or default.

(3) Every master of a ship who fails without reasonable cause to render the assistance or give the information aforesaid shall be deemed guilty of a misdemeanour, and, if he is certificated, an inquiry into his conduct may be held and his certificate may be suspended or cancelled under the regulations.

Detention of Overladen Foreign Ship

31. (1) Where a foreign ship has taken on board all or any part of her cargo within the Colony and, whilst within the territorial waters of the Colony, is unsafe by reason of overloading or improper loading, the provisions of this Part of this Ordinance with respect to the detention of British ships shall apply to that foreign ship as if she were a British ship, with the following modifications—
(a) A copy of the order for the detention of the ship shall be forthwith
served on the consular officer for the State to which the ship belongs at or
nearest to the place where the ship is detained; and
(b) Where a ship has been detained, the consular officer, on the request
of the owner or master of the ship, may require that the person appointed
by the Comptroller of Customs to survey the ship shall be accompanied by
a person selected by the consular officer, and in that case, if the surveyor
and that person agree, the Comptroller of Customs shall cause the ship to
be detained or released as may be agreed by the surveyor and that person,
but if they differ, the Comptroller of Customs shall refer the matter for the
consideration of the Supreme Court in the exercise of its jurisdiction afore-
said, and the Court shall have full power to make such order as the justice
of the case may require.

(2) In this section, the expression “consular officer” means any consul-
general, vice-consul, consular agent, or other officer recognised by the
Governor as a consular officer of a foreign State.

British Solomon Islands

(a) Customs Management Regulation, 18 February 1907

2. (1) In this Regulation—

“Protectorate” means and includes the islands of the Protectorate and
the waters of the said islands for three miles seaward from low-water mark
of any part thereof;

Arrival and Entry Inwards of Vessels

3. The master of any vessel arriving in the Protectorate shall not anchor
his vessel at any place not a port of entry nor delay unnecessarily after
having entered the waters of the Protectorate in making for the port of the
Protectorate to which the vessel is bound.

4. On the arrival of any vessel within the waters of the Protectorate any
officer of Customs may at any place and at any time proceed on board such
vessel, and, if by boat, the display by such officer of a flag of not less dimen-
sions than four feet by two feet with the upper horizontal half blue and
containing the Union Jack and the lower horizontal half white with the
letters “H.M.C.” conspicuous thereon, shall be deemed sufficient proof of
the authority of such officer, and any person other than an officer of Customs
displaying such a flag be liable to a penalty not exceeding fifty pounds or in
default of payment to imprisonment not exceeding two months.

(b) Quarantine Regulation, 1 April 1931

3. In this Regulation unless the context otherwise requires—

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1 The Laws of the British Solomon Islands Protectorate, Revised Edition, vol. 1,
1950, cap. 57, p. 448.
2 The Laws of the British Solomon Islands Protectorate, Revised Edition, vol. 1,
1950, cap. 44, p. 293 et seq.
"quarantinable disease" means smallpox, plague, cholera, yellow fever, typhus fever or leprosy or any disease declared by the Resident Commissioner by proclamation to be a quarantinable disease;

PART III. GENERAL PROVISIONS

7. The Resident Commissioner may by proclamation declare that any place beyond or in the Protectorate is infected with a quarantinable disease or that a quarantinable disease may be brought or carried from or through that place and thereupon and so long as the proclamation remains in force that place shall be a proclaimed place within the meaning of this Regulation.

10. The High Commissioner may exempt for such time, and subject to such conditions as he thinks fit, from all or any of the provisions of this Regulation—
   (a) Any ship of war;
   (b) Any vessel trading exclusively between ports or places in the Protectorate or between the Protectorate and Australia, New Zealand or other places adjacent to the Protectorate;
   (c) Any particular vessel or class of vessels; and
   (d) Any persons or goods.

PART IV. QUARANTINE OF VESSELS, PERSONS AND GOODS

13. The following vessels shall be subject to quarantine—
   (a) Every oversea vessel until pratique has been granted or until she has been released from quarantine;
   (b) Every vessel (whether a Protectorate vessel or an oversea vessel) on board which any quarantinable disease or disease which there is reason to believe or suspect to be a quarantinable disease has broken out or been discovered (notwithstanding that pratique has been granted or that she has been released from quarantine); and
   (c) Every vessel which is ordered into quarantine by a quarantine officer.

PART VI. MISCELLANEOUS

61. (1) Any quarantine officer may board any vessel being in any port or place in the Protectorate and may require any person on board the vessel to submit to any prescribed examination, and may enter and inspect any part of the vessel and all goods on board the vessel and may inspect the passenger list, bill of health, log, manifest, journal and other ship's papers.
   (2) The master of any vessel shall, if so required by a quarantine officer, produce to him for inspection the passenger list, bill of health, log, manifest, journal and other ship's papers.
   (3) Any person failing to comply with the requirements of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds.

62. (1) A quarantine officer boarding any vessel may remain thereon for such time as he considers necessary or desirable and the master shall, if
required by the quarantine officer, provide suitable and sufficient food and
sleeping accommodation for him.

Falkland Islands

CUSTOMS ORDINANCE, 6 DECEMBER 1943

2. In this Ordinance and in any other Ordinance relating to the Customs,
unless the context otherwise requires...

"Waters of the Colony" means any waters within a space contained
within an imaginary line drawn parallel to the shores or outer reefs of the
Colony which appear above the surface at low water mark at ordinary
spring tides and distant three miles therefrom.

Arrival and Report of Aircraft and Ships, Landing of Passengers
and Unloading, Removal and Delivery of Goods

46. If any aircraft or ship arriving in the Colony or the waters thereof
(a) shall not come to some port therein, or such other place as may be
allowed by the Collector in any special circumstances, without touching at
any other place in the Colony, or (b) on arriving at any such port or place,
shall not come as quickly up to the proper place of mooring or unloading
as the nature of the port or place will admit, without touching at any other
place, or (c) in proceeding to such proper place, shall not bring to at the
station appointed by the Governor by notice in the Gazette for the boarding
of aircraft or ships, or (d) after arriving at such proper place shall depart
therefrom except directly to some other place of mooring or unloading
approved of by the proper officer, or, with the authority of the proper
officer, directly to some other port or to some place allowed by the Collector
in any special circumstances as aforesaid in the Colony, or directly on any
flight or voyage to a place outside the Colony in accordance with the pro-
visions of the customs laws, or (e) after departing as aforesaid on any flight or
voyage to a place outside the Colony shall bring to within the Colony or the
waters thereof, unless in accordance with the customs laws, or with the
permission of the proper officer, or for some cause which the master shall
explain to the satisfaction of the Collector, then in every such case the
master of such aircraft or ship shall incur a penalty of one hundred pounds.

48. Any officer on duty may board any aircraft or ship within the
Colony or the waters thereof, and stay on board for any period, and shall
have free access to every part, with power to secure any part by such means
as he shall consider necessary, and to examine any goods, and to require
any goods to be unloaded and removed for examination, or for the security
thereof, or to unload and remove such goods at the expense of the master
or owner, or the agent of either, and to examine any goods in course of
being unloaded or removed, or when unloaded or removed, and to lock up,
seal, mark or otherwise secure any goods on board such aircraft or ship.

1 The Laws of the Falkland Islands, vol. 1—Ordinances, cap. 16, p. 96 et seq.
Gilbert and Ellice Islands

CUSTOMS ORDINANCE, 23 FEBRUARY 1912

Arrival and Entry Inwards of Vessels

4. The master of any vessel arriving in the Colony shall not, save as herein provided, anchor his vessel at any place not a port of entry, nor delay unnecessarily, after having entered the waters of the Colony, in making for the port of the Colony to which the vessel is bound.

Provided that the Resident Commissioner may give the master of any such vessel permission to anchor at any place not a port of entry. Such permission shall be in writing and may be subject to any condition the Resident Commissioner may think fit to impose and may be at any time revoked by the Resident Commissioner.

5. (1) On the arrival of any vessel within the waters of the Colony, any customs officer may at any place and at any time proceed on board the vessel, and, if he shall do so by boat, the display by the officer of a flag of not less dimensions than four feet by two feet, with the upper horizontal half coloured blue and containing the Union Jack, and the lower horizontal half coloured white, with the letters “H.M.C.” conspicuous thereon, shall be deemed sufficient proof of the authority of the officer.

North Borneo

CUSTOMS ORDINANCES, 1 APRIL 1954

PART VI

General Provisions Affecting Vessels in Territorial Waters

38. (1) The master of any vessel in territorial waters shall obey any signal made to him from a preventive or police vessel or any instructions given by an officer of customs or police officer in uniform from any other vessel or any place requiring him to stop or to heave to or to perform any other act.

(2) The master of any vessel found without lawful excuse in territorial waters without a clearance for a customs port in the Colony, or carrying cargo or passengers or both without a proper manifest of such, or found to have passed the customs port named in the papers of such vessel without having made entry and declared at such port, shall be liable on conviction before a magistrate of the first class to a fine of one thousand dollars and to imprisonment for a term of twelve months.

(3) Any vessel found in the circumstances described in subsection (2) shall be liable to seizure by any customs officer or police officer and shall be escorted to a convenient port in the Colony and may there be detained by such customs officer or police officer for a period not exceeding 14 days.

(4) Upon an application by the Attorney-General or any senior customs officer or police officer in any proceedings commenced against the master

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of such vessel, or if no such proceedings are commenced then upon notice of such application being served on the master, owner, or agent or affixed in some prominent place on such vessel, the provisions of subsections (1) and (2) of section 357 of the Criminal Procedure Code shall apply to such vessel and to its cargo and to everything on such vessel as if it were produced before the court as having been used in the commission of an offence and any magistrate of the first class may make any orders for custody, sale, destruction or confiscation authorised under such subsections.

(5) An appeal shall lie from any order of a magistrate under subsection (4) at the instance of the master, owner or agent of such vessel as if from a conviction by such magistrate.

(6) Nothing contained in subsections (2) and (3) shall apply to—

(a) Any vessel the master of which satisfies the magistrate that its entry into the waters of the Colony was due to circumstances beyond his control and that its entry and the reason therefore was at the first possible opportunity reported to the nearest customs, police or native authority and that after such entry no person on board or connected with the vessel has done any act contrary to any written law; or

(b) Any local craft if the person in charge thereof can show to the satisfaction of a senior customs officer or magistrate that he has come from a place of departure from which it is unusual to grant or carry clearances or manifests.

39. (1) If any vessel hovers within territorial waters and on examination is found to be conveying goods dutiable on import or goods of a class the importation of which is prohibited, the master and every member of the crew of such vessel shall be presumed, until the contrary is proved, to have imported uncustomed or prohibited goods, as the case may be.

(2) If any vessel hovers within territorial waters and on examination is found not to be carrying any of the goods referred to in subsection (1), such vessel shall be presumed, until the contrary is proved, to be hovering for the purpose of receiving dutiable goods upon which export duty has not been paid or prohibited goods exported contrary to a prohibition and the master and every member of the crew of such vessel shall be guilty of an offence against this Ordinance.

Sierra Leone

Territorial Waters Ordinance, 12 November 1921

2. (1) The Governor-in-Council may, by Order, provide for all matters relating to surveying, sounding, the use of searchlights and navigation in the territorial waters of the Colony; and may, by such Order, impose for breach thereof a penalty, not exceeding a fine of fifty pounds, or imprisonment, with hard labour, for six months.

(2) Unless and until such Order is made the provisions contained in the schedule to this Ordinance shall be in force.

THE SCHEDULE

1. No foreign submarine or submersible vessel shall submerge in the territorial waters of the Colony, or enter such waters submerged.

2. The master of a ship, other than one of His Majesty's ships, shall not, except with the written permission of the Governor, permit the use of searchlights on such ship, or any boat belonging to, or employed by, such ship, within any of the ports or territorial waters of the Colony.

3. The master of a ship, other than one of His Majesty's ships, shall not, except with the written permission of the Governor, permit surveys or soundings to be made or taken in any of the ports or territorial waters of the Colony from on board such ship, or from any boat belonging to, or employed by, such ship: Provided that this section shall not be deemed to prohibit the taking of soundings necessary in the ordinary course of navigation.

4. Any person who acts in contravention of the provisions of this schedule shall be liable, on summary conviction, to a fine not exceeding five pounds, or to imprisonment, with or without hard labour, for any period not exceeding six months: Provided that this section shall not apply to foreign ships of war.

Tanganyika

Shipping Ordinance, 29 October 1937

PART I. DETENTION OF UNSAFE SHIPS

17. (1) The Marine Superintendent or Port Officer may inspect any ship, British or foreign, for the purpose of seeing that the rules for life saving appliances have been complied with in her case.

(2) If any such officer finds that the rules for life saving appliances have not been complied with, he shall give to the owner or master notice in writing stating in what respect the said rules have not been complied with and what is, in his opinion, requisite to remedy the same.

19. The foregoing provisions of this Ordinance shall not affect a ship, other than a British ship, which is not bound to a port within the Territory and which comes to any place on the coast of the Territory for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo, or taking in bunkercoal, oil fuel or any material for the purpose of refuelling, or taking in water or stores or mails.

PART II. SPECIAL SHIPPING INQUIRIES AND COURTS

Inquiries and Investigations as to Shipping Casualties

21. In any of the cases following, that is to say:

(a) Whenever any ship is lost, abandoned, stranded, or damaged on or near the coasts of the Territory or in the course of a voyage to a port within the Territory;

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(b) Whenever any ship causes loss or material damage to any other ship on or near such coasts;

(c) Whenever any ship causes loss or material damage to any other ship, and such ships are, or either of them is, in the course of a voyage to a port within the Territory;

(d) Whenever by reason of any casualty happening to or on board of any ship on or near such coasts, in the course of a voyage to a port within the Territory, loss of life ensues;

(e) Whenever any such loss, abandonment, stranding, damage or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in the Territory, it shall be lawful for the Marine Superintendent or for any other person appointed for the purpose by the Governor to make inquiry respecting such loss, abandonment, stranding, damage, or casualty.

22. The Marine Superintendent or person appointed for the purpose of making inquiry pursuant to this Ordinance shall have the following powers, that is to say:

(a) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof to which the provisions of this Ordinance apply, not unnecessarily detaining or delaying her from proceeding in her voyage;

PART V. WRECK AND SALVAGE

60. (1) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Territory or any tidal water within the Territory, the receiver for the district in which that place is situate shall, upon being made acquainted with the circumstances, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Ordinance referred to as “shipwrecked persons”) and of the cargo and apparel of the vessel.

(2) If any person wilfully disobeys the directions of the receiver, he shall for each offence be liable to a fine of one thousand shillings; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Salvage

89. (1) Where services are rendered wholly or in part within territorial waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3) Such salvage shall be a first charge on the proceeds of the sale of such vessel or part of the vessel, her equipment, stores, coal, cargo, or ballast as may have been saved.
Any salvage money received by a receiver for services rendered by him shall be paid into the general revenue of the Territory:

Provided that nothing herein contained shall be deemed to preclude a receiver from recovering salvage money in the same manner as any other salvor may recover salvage money due to himself.

90. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Territory or any tidal water within the Territory, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel or wreck, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

Jurisdiction of High Court

100. Subject to the provisions of this Ordinance the High Court shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the Territory, or partly on the high seas and partly within the Territory, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Trinidad

(a) Harbours Ordinance, 7 October 1880

General Provisions

5. All owners and masters of ships entering or being within the waters of the Colony shall be bound to take notice of all regulations for the time being in force under section 418 of the Merchant Shipping Act, 1894, and shall be bound to obey them, and to carry and exhibit no other lights and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master or owner of the ship, if it appear that he was in fault, shall, for each occasion upon which such regulations are infringed, be liable to a fine of four hundred and eighty dollars, or to imprisonment for six months.

7. If in any case of collision it appears to the Court before which the case is tried that such collision was occasioned by the non-observance of any regulation made by or in pursuance of the Merchant Shipping Act, 1894, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

8. All vessels having drogher's certificates, when under sail or steam within the waters of the Colony between the hours of sunrise and sunset,

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1 Trinidad and Tobago Revised Ordinances, 1950, vol. II, Ch. 18, No. 1, p. 961 et seq.
shall carry at the mast-head, or if vessels having more than one mast, at the
foremast-head, a flag to be prescribed by the Governor, in default whereof
the master of the vessel shall be liable to a fine of five dollars for each
offence.

11. (1) Every Harbour Master shall visit every vessel coming into his
harbour from any place out of the Colony before or immediately after she
comes to anchor, except where a vessel comes to anchor after sunset, in
which case the Harbour Master shall visit her on the following morning as
soon after sunrise as is practicable. A vessel until visited shall keep her
ensign flying.

(2) The master or person in charge of any vessel coming into any
harbour shall, when hailed by the Harbour Master and required so to do,
be bound to heave-to so as to enable the Harbour Master to come on board,
under a penalty in case of neglect or refusal of forty-eight dollars.

(3) The powers by this section vested in the Harbour Master may be
exercised by an Assistant Harbour Master or any person acting under the
authority of one of them.

14. Any person who lands from or leaves any vessel arriving in the
waters of the Colony before she has been visited by a Harbour Master or
Assistant Harbour Master, or some person acting under the authority of
one of them, shall be liable to a fine of twenty-four dollars, and the master
or person in charge of such vessel shall be liable to a fine of forty-eight
dollars for every person who so lands from or leaves the vessel.

Offences and Procedure

51. For the purpose of giving jurisdiction to all courts, and to all Judges,
Magistrates, and Justices, every harbour shall be deemed to be part of the
Colony; and all complaints in respect of any offences committed in any
harbour which are punishable on summary conviction shall be heard and
determined by a Magistrate.

Admiralty Jurisdiction of Harbour Master

54. (1) The Harbour Master of every harbour shall have Admiralty
jurisdiction in all causes of damage by collision where the amount claimed
does not exceed one hundred and ninety-two dollars and the collision took
place within his harbour.

(2) All such causes may be heard and determined in a summary way,
and, if the Harbour Master sees fit, without issuing any summons or other
process in personam or in rem, so always that the statement of the party com-
plaining be taken on oath, and that the Harbour Master before making
any final order gives to the parties interested in the vessel complained of an
opportunity of answering the complaint, and the Harbour Master may, if
he sees fit, and shall, if required by any party, take evidence on oath.
2. In this Ordinance unless the context otherwise requires—
   "the Force" means the Trinidad Naval Volunteer Force raised under
   this Ordinance;

3. It shall be lawful for the Governor to raise and maintain a force of
   volunteers for the naval defence of the Colony within its territorial waters
   to be called the Trinidad Naval Volunteer Force.

9. The Governor may cause any member of the Force to be instructed
   trained and exercised on shore or on board any ship or vessel or partly on
   shore and partly on board any ship or vessel within the limits of the Colony
   including therein its territorial waters: Provided that no member of the
   Force shall under this Ordinance be required to attend instruction training
   and exercise more than twenty-eight days in any one year.

(c) Submarine Areas of the Gulf of Paria
    (Annexation) Order, 1942

2. In this Order the expression "submarine areas of the Gulf of Paria"
   means the sea bed and subsoil situated beneath the waters, excluding terri-
   torial waters, bounded as follows:
   (a) By the parallel of 10°44'N. from its intersection with the coast of
       Venezuela in the Bocas del Dragon to its intersection with the coast of the
       island of Trinidad;
   (b) Thence southward by the coast of the island of Trinidad to Roja
       Point; lat. 10°04'N.—long. 61°30'W. ;
   (c) Thence by the meridian of 61°30'W. to its intersection with the
       coast of Venezuela;
   (d) Thence by the coast of Venezuela to the point where it is inter-
       sected by the parallel of 10°44'N. in the Bocas del Dragon.

3. As from the date of this Order all the submarine areas of the Gulf of
   Paria which lie to the eastward and northward of a line drawn—
   Point A from a point 10°35'04"N., 61°51'33"W.
   Point B to a point 10°02'24"N., 62°05'08"W. thence along the limit of
   Venezuelan territorial waters.
   Point Y to a point 9°57'30"N., 61°56'40"W.
   Point X thence to a point 9°57'30"N., 61°30'00"W.
   shall be annexed to and form part of His Majesty's dominions and shall be
   attached to the Colony of Trinidad and Tobago for administrative purposes,
   and the said submarine areas are annexed and attached accordingly.

4. Nothing in this Order shall—

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1 Trinidad and Tobago Revised Ordinances, 1950, vol. II, Ch. 10, No. 3, p. 170-171.
2 The Statutory Rules & Order and Statutory Instruments, Revised to December 31,
(a) Affect, or imply any claim to, any territory above the surface of the sea or any part of the high seas, or
(b) Prejudice any rights of passage or navigation on the surface of the sea.

5. The Governor of the said Colony shall, as soon as may be after the date of this Order, make regulations to ensure:
   (1) That the marine areas within the limits specified in Section 2 of this Order shall not be closed to navigation, and that any works or installations which may be erected shall be of such nature and shall be so constructed, placed, marked, buoyed and lighted as not to constitute a danger or obstruction to shipping;
   (2) That all practicable measures shall be taken to prevent the exploitation of any of the said submarine areas from causing the pollution of coastal waters by oil, mud or any other fluid or substance calculated to contaminate the sea water or shore line.

(d) United States Bases (Temporary Provisions) Ordinance,
31 December 1941

2. In this Ordinance —
   "the Agreement" means the Agreement signed on the 27th of March, 1941, between the Government of the United Kingdom and the Government of the United States of America relating to the Bases leased to the United States of America in certain territories including the Colony of Trinidad and Tobago;
   "Bases" means the Bases established in the Colony in pursuance of the communications set out in Annex I to the Agreement;
   "existing law" means any Ordinance or regulation in force in the Colony at the commencement of this Ordinance;
   "Leased Area" means an area in the Colony in respect of which there is for the time being subsisting a lease entered into in pursuance of the communications set out in Annex I to the Agreement or which has been declared by the Governor by notification in the Royal Gazette to be deemed a Leased Area for the purposes of this Ordinance.

5. (1) The Governor in Council may make Regulations for implementing the Agreement and for providing for other matters, as to which provision seems to him to be necessary or expedient, arising out of the establishment of the Bases, and, without prejudice to the generality of this power, any such Regulations may provide for the control by or on behalf of the United States of America of —
   (a) The Leased Areas and the territorial waters and air spaces adjacent to, or in the vicinity of, the Leased Areas, as contemplated by Article 1 of the Agreement;
   (b) The areas comprised in the watershed of the Aripo River north of the Leased Area at Cumuto so far as may be necessary in order to safeguard, or prevent the pollution of, the waters of and in the said watershed

1 Trinidad and Tobago, Revised Ordinances, 1950, vol. VI, Cap. 43, No. 1, p. 1106.
or otherwise to ensure their purity as contemplated by paragraph (2) of the Special Conditions appertaining to Trinidad set forth in Annex III to the Agreement;

(c) The United States Fleet Anchorage contemplated by paragraph (4) of the Special Provisions appertaining to Trinidad set forth in Annex III to the Agreement and the territorial waters and air spaces adjacent thereto or in the vicinity thereof.

(e) United States Bases (Prohibited and Restricted Areas) Regulations, 1948¹ as amended²

2. The following areas are declared to be prohibited areas:

(1) All of the water area of Carenage Bay enclosed by a line running from Point Sinet light to Point Alice light on Point Gourde.

(2) All of the water area in Chaguaramas Bay and adjacent to La Retraite enclosed by a line extending from San Carlos Point on Point Gourde through the western tip of Gasparillo Island to Point Delgada (Crow’s Nest).

(3) All of the water area of Teteron Bay enclosed by a line extending from Point Delgada to the western-most tip of land between Teteron Bay and Scotland Bay.

(4) All the water area of Scotland Bay enclosed by a line extending from the western-most tip of land between Teteron Bay and Scotland Bay to the western-most tip of land between Scotland Bay and L’Anse Pawa Bay.

(5) All of the water areas (not included in the areas hereinbefore specified) between Point Sinet and the western-most tip of land between Scotland Bay and L’Anse Pawa Bay and between the shore and an irregular line fifty yards distant from the shore at mean low tide and parallel to it.

3. No vessel shall enter or be within any prohibited area with the following exceptions:

(1) Vessels belonging to the United States Government;

(2) Vessels belonging to His Majesty's Government or the Trinidad Government whilst on official duties;

(3) Vessels operated in connection with and under the authority of Chaguaramas Terminals Limited whilst being so operated;

(4) Vessels belonging to island-home owners registered with the Island Property Owners Association of 61, Marine Square, Port-of-Spain, whilst going between La Retraite (Staubles Bay) and the islands or when anchored or moored at a mooring authorised by the United States Naval Authorities at La Retraite;

Provided always that any vessel may enter a prohibited area in an emergency which renders such entry necessary or unavoidable, in which case the burden of proving the existence of such an emergency shall be upon the person in charge of such vessel.

¹ Laws of Trinidad and Tobago, Revised Ordinances, 1950, vol. IX, Cap. 43, No. 1, p. 764-765.
² By the United States Bases (Prohibited and Restricted Areas) (Amendment) Regulations, 1951 (Trinidad and Tobago, Proclamations, Orders in Council, Regulations, etc., for the year 1951 (Government Notice No. 55—1951, p. 133).
4. Any vessel found in any prohibited area in contravention of the preceding regulation and the occupants thereof may be taken into custody by any member of the United States Navy and taken to the mainland of the United States Naval Operating Base and there detained for such time as may be necessary for the purpose of committing such vessel and the occupants thereof into the custody of a member of the Trinidad Police Force.

5. Every occupant of any vessel found in a prohibited area in contravention of regulation 3 of these regulations shall be guilty of an offence and on summary conviction therefor shall be liable to a fine of $48.00 or for a second or subsequent conviction to a fine of $96.00: Provided that when any person is convicted of a second or subsequent offence in contravention of the preceding regulation, the vessel in which the offence was committed and any equipment found therein shall be liable to forfeiture to the Crown on the order of the Magistrate who has recorded the conviction.

6. The following area is declared to be a restricted area:

All that area enclosed by a line commencing at Point Sinet light, thence running to Caledonia Island light, thence to the western-most point to Lenagan Island, thence to the western-most point of Rock Island, thence to the southern-most point of Carrera Island, thence to San Carlos Point on Point Gourde (except the prohibited areas specified in paragraphs (1) and (5) of regulation 2 of these regulations).

7. All vessels are permitted to enter the restricted area subject to the following conditions:

(a) Vessels shall remain continuously underway;
(b) Every vessel shall carry between sunset and sunrise at least one white light visible from all points of the horizon for a distance of at least two miles and mounted at least two feet above the gunwale;
(c) The occupants of all vessels shall comply with all orders issued by a member of the United States Navy.

8. If any vessel is being navigated in the restricted area in contravention of the preceding regulation, such vessel and the occupants thereof may be taken into custody by any member of the United States Navy in like manner as is provided in regulation 4 of these regulations in the case of a vessel found in a prohibited area.

9. Every occupant of any vessel navigated in the restricted area in contravention of regulation 7 of these regulations shall be liable on summary conviction to a fine of $24.00.

(f) Port Services (Dues, Charges and Management) Ordinance, 13 December 1948 1 as amended 2

3. (1) Subject to the provisions of subsection (2) hereof, harbour dues shall be paid in accordance with the provisions of this Ordinance in respect

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2 By the Port Services (Dues, Charges and Management) (Amendment) Ordinance, 1951-1953 (Trinidad and Tobago, Revised Laws, 1951-1953, vol. III, Ch. 18, No. 2, p. 362) and the Port Services (Dues, Charges and Management) (Amendment) Ordinance, 1954 (Trinidad and Tobago, Ordinances, 1954, No. 11, p. 82).
of any vessel which enters or uses any harbour in the Colony or which loads or unloads cargo at any harbour, port or place in the Colony.

(2) A vessel the tonnage of which does not exceed ten tons, or a vessel registered as a drogher, shall be exempt from payment of harbour and wharf dues; Provided that this exemption shall not apply in the case of a drogher arriving from or proceeding to a port or place outside the waters of the Colony.

5. (1) Wharf dues (in addition to harbour dues) shall be paid in accordance with the provisions of this Ordinance in respect of any vessel in Port-of-Spain harbour the tonnage of which exceeds ten tons and which loads or unloads cargo passing over, or deposited on, a wharf. Save as otherwise provided in this section, the wharf dues leviable and payable under this subsection shall be calculated in accordance with Schedule I hereto in the case of cargo described therein and in accordance with Schedule II hereto in the case of other cargo.

(2) When a vessel (the tonnage of which exceeds ten tons but does not exceed one thousand tons) berthed at any wharf would not be liable to wharf dues under sub-section (1) of this section or would be liable in respect of wharf dues computed in accordance with the provisions of that subsection for a lesser sum than that indicated in the scale set out below, wharf dues shall be paid in accordance with that scale.

6. (1) In the case of any vessel (not being a drogher) berthed at King's Wharf or moored or anchored in the Basin, Basin dues (in addition to harbour dues and to any wharf dues which may be payable) shall be paid on—

(a) The tonnage of cargo loaded into the vessel from another vessel or loaded from the vessel into another vessel, being cargo which has passed or passes over a wharf; and
(b) The tonnage of oil (to be used for the propulsion of the vessel) loaded into the vessel from another vessel; and
(c) The tonnage of fresh water taken into the vessel from water boats or other vessels.

(2) The Basin dues payable under paragraph (a) of subsection (1) of this section shall be calculated in accordance with Schedule I hereto in the case of cargo described in that Schedule and at the rate of twenty-five cents per ton in the case of other cargo.

(3) The Basin dues payable under paragraph (b) of sub-section (1) of this section shall be calculated at the rate of ten cents per ton but subject to a maximum of fifteen dollars on any occasion.

(4) The Basin dues payable under paragraph (c) of sub-section (1) of this section shall be calculated at the rate of twenty-five cents per ton.

6a. (1) Light dues (in addition to harbour dues and to any wharf, Basin and other dues which may be payable) shall be paid in accordance with the provisions of this Ordinance in respect of any vessel which enters or uses any harbour, port or place in the Colony:

Provided that the following vessels shall be exempt from the payment of light dues:

(a) Vessels the tonnage of which does not exceed ten tons:
(b) Droghers and Government-owned coastal vessels when engaged in coasting trade, except when arriving from or proceeding to a port or place outside the territorial waters of the Colony;

(c) Vessels owned or chartered by any of His Majesty's Governments or by any other Government recognised by His Majesty, and not carrying cargo for freight or passengers for fares;

(d) Vessels entering or using any harbour, port or place in the Colony solely on account of stress of weather or of being disabled or for medical assistance.

(2) In respect of vessels the tonnage of which is less than fifty tons, light dues shall be at the rate of two dollars and forty cents, payable once only in any one year.

(3) In respect of vessels the tonnage of which is not less than fifty tons, light dues shall be at the following rates:

(a) For vessels engaged in foreign trade only, and calling for any one or more of the following purposes only, namely, taking bunkers, water or other ships' stores, embarking or disembarking passengers (including passengers in transit) loading or unloading a quantity of cargo not exceeding an aggregate of one hundred tons, twenty-one dollars and sixty cents, plus one cent per ton of the tonnage of the vessel; provided that the amount payable shall not exceed a total of seventy-one dollars and sixty cents for each call of the vessel;

(b) For vessels engaged otherwise than in foreign trade only or calling for any purpose other than those specified in the preceding paragraph, twenty-one dollars and sixty cents plus two cents per ton of the tonnage of the vessel; provided that the amount payable shall not exceed a total of one hundred and twenty-one dollars and sixty cents for each call of the vessel.

(4) Vessels the tonnage of which is not less than fifty tons shall be liable —

(a) If engaged in local trade, to the payment of light dues not more than ten times in any one year;

(b) If engaged in foreign trade only, to the payment of light dues not more than five times in any one year.

(5) In respect of vessels engaged in foreign trade only and using a port in the Caribbean area as a terminus and entering or using any harbour, port or place in the Colony on both southbound and northbound trips, light dues shall be payable once only for each turnaround voyage.

For the purposes of this subsection the Caribbean area shall be taken to mean the area contained within the following limits:

On the East, the meridian of 51 degrees West;
On the West, the meridian of 90 degrees West;
On the North, the parallel of 24 degrees North;
On the South, the northern coastline of South and Central America lying between the Eastern and the Western limits above specified:

Provided that the Bahamas and Sombrero Island (referred to in the Bahamas and Leeward Islands Light Dues Ordinance) shall be regarded as being excluded from those limits.

7.

(3) If any vessel in respect of which harbour dues have been paid be obliged from stress of weather or other sufficient cause, after leaving a
harbour, port or place in the Colony, to return with the same cargo to a
harbour, port or place in the Colony, harbour dues shall not, by reason of
such return, again be payable by the vessel in respect of that cargo.

(4) Vessels owned by the Government of the United Kingdom and
manned by members of His Majesty's Services not carrying goods for hire,
shall be exempt from all dues in respect of the entry into any port or the
use of any harbour or wharf in the Colony.

(5) Droghers and Government-owned coastal vessels when engaged in
costing trade shall be exempt from payment of harbour, wharf and Basin
dues, except when arriving from or proceeding to a port or place outside
the territorial waters of the Colony.

8. It shall be lawful for the Governor in Council by order, in any special
case or class of case, to remit, reduce, direct refunds of, or grant exemptions
from, the whole or any part of any dues, fees or charges payable under this
Ordinance or any bye-laws made thereunder.

United States of America

(a) Coast Guard

Section 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections,
searches, seizures, and arrests upon the high seas and waters over which the
United States has jurisdiction, for the prevention, detection, and suppres-
sion of violations of laws of the United States. For such purposes, commis-
sioned, warrant, and petty officers may at any time go on board of any
vessel subject to the jurisdiction, or to the operation of any law, of the United
States, address inquiries to those on board, examine the ship's documents
and papers, and examine, inspect, and search the vessel and use all neces-
sary force to compel compliance. When from such inquiries, examination,
inspection, or search it appears that a breach of the laws of the United
States rendering a person liable to arrest is being, or has been committed,
by any person, such person shall be arrested or, if escaping to shore, shall
be immediately pursued and arrested on shore, or other lawful and appro-
priate action shall be taken; or, if it shall appear that a breach of the laws
of the United States has been committed so as to render such vessel, or the
merchandise, or any part thereof, on board of, or brought into the United
States by, such vessel, liable to forfeiture, or so as to render such vessel liable
to a fine or penalty and if necessary to secure such fine or penalty, such
vessel or such merchandise, or both, shall be seized.

Section 91. Safety of naval vessels

The captain of the port, Coast Guard district commander, or other
officer of the Coast Guard designated by the Commandant thereof, or the
Governor of the Canal Zone in the case of the territory and waters of the

Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command.

(b) **Army Appropriation Act of 1918, giving to the Secretary of War authority to adopt regulations to protect life and property in target practice in waters under the jurisdiction of the United States**

Section 3. Regulations to prevent injuries from target practice

Authority to adopt regulations.—In the interest of the national defense, and for the better protection of life and property on the navigable waters of the United States, the Secretary of the Army is authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Artillery fire in target practice or otherwise, or by the proving operations of the Government ordinance proving grounds at Sandy Hook, New Jersey, or at any Government ordinance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement; and the said Secretary shall have like power to regulate the transportation of explosives upon any of said waters: Provided, That the authority conferred shall be so exercised as not unreasonably to interfere with or restrict the food fishing industry, and the regulations prescribed in pursuance hereof shall provide for the use of such waters by food fishermen operating under permits granted by the Department of the Army.

Detail of vessels to enforce regulations.—To enforce the regulations prescribed pursuant to this section, the Secretary of the Army may detail any public vessel in the service of the Department of the Army, or, upon the request of the Secretary of the Army, the head of any other department may enforce, and the head of any such department is authorized to enforce, such regulations by means of any public vessel of such department.

(c) **Oil Pollution Act, 1924**

Section 432. Definitions

When used in sections 431-437 of this title, unless the context otherwise requires —

(a) The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse;

(b) The term "person" means an individual, partnership, corporation, or association; any owner, master, officer or employee of a vessel; and any officer, agent, or employee of the United States;

(c) The term "coastal navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact in which the tide ebbs and flows;

(d) The term "Secretary" means the Secretary of the Army.

Section 433. Prohibition against discharge of oil generally

Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as in sections 434-437 of this title authorized, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder. The Secretary is authorized and empowered to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil.

(d) Tariff Act of 1930

Subtitle IV. Administrative Provisions

Part I. Definitions

Section 1401. Miscellaneous

When used in this subtitle or in Part I of Subtitle III of this chapter —

(m) Customs waters.

The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(n) **Hovering vessel.**

The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

**PART V. ENFORCEMENT PROVISIONS**

*Section 1581. Boarding vessels*

(a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under sections 1701 and 1703-1711 of this title, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $500.

(d) Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than $5,000 nor less than $1,000.

(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.
Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government.

Section 1587. Examination of hovering vessels

Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under sections 1701 and 1703-1711 of this title, to display lights as required by law, or which has become subject to pursuit as provided in section 1581 of this title, or which, being a foreign vessel to which subsection (h) of section 1581 of this section applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 1581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than $5,000 nor less than $500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under sections 1701 and 1703-1711 of this title and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to
another foreign port, and which is pursuing her course, wind and weather permitting.

(e) Anti-Smuggling Act of 1935

SECTION 1701. CUSTOMS-ENFORCEMENT AREA

(a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters

Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this chapter. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provison, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected

At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) of this section in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: Provided, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high

seas upon a foreign vessel in contravention of any treaty with a foreign
government enabling or permitting the authorities of the United States to
board, examine, search, seize, or otherwise to enforce upon such vessel upon
the high seas the laws of the United States except as such authorities are or
may otherwise be enabled or permitted under special arrangement with
such foreign government: Provided further, That none of the provisions of
this chapter shall be construed to relieve the Secretary of Commerce of any
authority, responsibility, or jurisdiction now vested in or imposed on that
officer.

SECTION 1703. SEIZURE AND FORFEITURE OF VESSELS

(a) Vessels subject to seizure and forfeiture

Whenever any vessel which shall have been built, purchased, fitted out
in whole or in part, or held, in the United States or elsewhere, for the
purpose of being employed to defraud the revenue or to smuggle any mer-
chandise into the United States, or to smuggle any merchandise into the
territory of any foreign government in violation of the laws there in force,
if under the laws of such foreign government any penalty or forfeiture is
provided for violation of the laws of the United States respecting the customs
revenue, or whenever any vessel which shall be found, or discovered to have
been, employed, or attempted to be employed, within the United States
for any such purpose, or in anywise in assistance thereof, if not subsequently
forfeited to the United States or to a foreign government, is found at any
place at which any such vessel may be examined by an officer of the customs
in the enforcement of any law respecting the revenue, the said vessel and
its cargo shall be seized and forfeited.

(b) "Vessels of the United States"

Every vessel which is documented, owned, or controlled in the United
States, and every vessel of foreign registry which is, directly or indirectly,
substantially owned or controlled by any citizen of, or corporation incor-
porated, owned, or controlled in, the United States, shall, for the purposes
of this section, be deemed a vessel of the United States.

(c) Acts constituting prima facie evidence vessel engaged in smuggling

For the purposes of this section, the fact that a vessel has become subject
to pursuit as provided in section 1581 of this title, or is a hovering vessel, or
that a vessel fails, at any place within the customs waters of the United
States or within a customs-enforcement area, to display lights as required
by law, shall be prima facie evidence that such vessel is being, or has been,
or is attempted to be employed to defraud the revenue of the United States.

SECTION 1709. DEFINITIONS

When used in this act:

(c) The term "customs waters" means, in the case of a foreign vessel
subject to a treaty or other arrangement between a foreign government and
the United States enabling or permitting the authorities of the United
States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.


(f) ACT TO CARRY INTO EFFECT THE INTERNATIONAL CONVENTION OF 14 MARCH 1884 FOR THE PROTECTION OF SUBMARINE CABLES

Note. For this Act as well as for the said Convention, see: United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas, Vol. 1, 1951, pp. 251-259.

Yugoslavia

(a) ACT OF 1 DECEMBER 1948 CONCERNING THE COASTAL WATERS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

I. GENERAL PROVISIONS

Article 1. With a view to ensuring undisturbed maritime and commercial relations with foreign countries and for the exercise of the sovereign rights of the Federal People's Republic of Yugoslavia, the present Act lays down regulations concerning the coastal waters of the Federal People's Republic of Yugoslavia.

Article 2. The coastal waters of the Federal People's Republic of Yugoslavia shall comprise the inland waters and the territorial sea.

Article 3. The inland waters of the Federal People's Republic of Yugoslavia shall include:

(1) The Bay of Budva from a line drawn joining Cape Skoci Devojka-Cape Piatamon;

(2) The Bay of Traste, from a line drawn joining Cape Zukovace-Cape Vesla;

(3) Boka Kotarska, from a line drawn joining Cape Vesla-Cape Ostri;

(4) The sea waters in the area between the mainland and the following lines: Cape Zarubac—southern shore of the island of Mirkan—southern shore of the island of Kolocep—Cape Kuk (southwest cape of the island of Lopud)—Cape Gruj (eastern cape of the island of Mljet)—southern shore of the island of Mljet—the lighthouse on the island of Glavat—southern shore


of the Lastovski cliffs, the island of Lastovo and the island of Kopiste—Cape Velo Dance (southwest cape of the island of Korcula)—Cape Proizd (northwest cape of the island of Korcula)—the island of Lukavec—the southern shore of the Paklen islands—the island of Vodnjak (western island of the Paklen islands)—Cape Pelegrin—southern cape of the Sanj ridge on the island of Solta—the island of Stipanska—Cape Rat (western cape of the island of Drvenik Mali)—Cape Ploca—the island of Mulo—the island of Mazirin—southern shore of the island of Zirje—southwestern shore of the Kornat islands—the islands of Sestrice Tejerske—southwestern shore of Dugi island—Veli Rat—southwestern shore of the island of Skarda and Premuda—Tovarnjak—Cape Krivica on the island Losinj—the island of Srakana Mala—Cape Vnetak (the island Unije)—the islet of Galiola—Cape Kamenjak;

(5) The Bay of Bulj from Cape Kompare—Cape Peneda to the island of Brioni Veliki—the western shore of the Brioni islet to Cape Barbariga;

(6) All other bays and estuaries the width of which, measured from the shortest point of junction to the opposite shore in the direction of the mainland shore does not exceed twelve nautical miles;

(7) Ports and anchorages not included under paragraphs 1-6 of this Article.

Article 4. All the decrees of the Federal People’s Republic of Yugoslavia shall be valid and applicable in the zone of the inland waters.

Article 5. The territorial waters of the Federal People’s Republic of Yugoslavia shall comprise the strip of sea extending six miles towards the open sea, measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inland waters of the Federal People’s Republic of Yugoslavia.

Article 6. Vessels under foreign flags may travel through the territorial waters of the Federal People’s Republic of Yugoslavia on peaceful passage.

The passage of a foreign vessel is not peaceful if it uses the territorial waters of the Federal People’s Republic of Yugoslavia for engaging in any actions which threaten the safety and public order of the Federal People’s Republic of Yugoslavia or its material or public health interests or the safety of navigation in such maritime zone.

The stopping and anchoring of vessels for navigational or nautical causes consequent upon an accident at sea or force majeure shall, for such time as the cause exists, also be regarded as passage through the territorial waters of the Federal People’s Republic of Yugoslavia. The termination of such cause shall be confirmed by the competent authority of the Federal People’s Republic of Yugoslavia.

Article 7. Special zones may be designated within the boundaries of the territorial waters of the Federal People’s Republic of Yugoslavia as military areas.

The boundaries of such zones and the conditions for navigation therein shall be laid down by the Government of the Federal People’s Republic of Yugoslavia by decree published in the Oglas za pomorce (Seamen’s Gazette).

Article 8. In order to safeguard the customs interests and the coastal security of the Federal People’s Republic of Yugoslavia, the competent authorities of the Federal People’s Republic of Yugoslavia may, in cases where suspicion is justifiable, inspect ship’s papers and, if necessary, search vessels under foreign flags even in a maritime zone four nautical miles wide
reckoning from the outer edge of the territorial waters of the Federal People's Republic of Yugoslavia in the direction of the open sea.

The competent authorities of the Federal People's Republic of Yugoslavia may exercise control and take such restrictive measures as are deemed necessary for the protection of the riches of the sea in such area.

Further regulations for the exercise of such supervision shall be issued by decree of the Government of the Federal People's Republic of Yugoslavia.

II. SPECIAL PROVISIONS

Article 9. The Federal People's Republic of Yugoslavia shall regulate coastwise shipping and the exploitation of marine and subsoil resources in its coastal waters.

Ships under foreign flags may undertake the salvage of sunken vessels, their appurtenances or cargo in the coastal waters of the Federal People's Republic of Yugoslavia only by special authorization of the competent authority of the Federal People's Republic of Yugoslavia.


Article 11. Foreign civil aircraft may fly over the coastal waters of the Federal People's Republic of Yugoslavia, always provided that they observe the regulations of the Federal People's Republic of Yugoslavia governing flights over its territory.

Article 12. Vessels under foreign flags shall be liable for breaches of the provisions of this Act and the regulations issued on the basis thereof, in accordance with the generally recognized rules and usage of international law and the statutes of the Federal People's Republic of Yugoslavia.

The pursuit of a vessel under a foreign flag for contravention of this Act or of other statutes of the Federal People's Republic of Yugoslavia, if begun in the coastal waters of the Federal People's Republic of Yugoslavia, shall be continued beyond the boundaries of Yugoslav coastal waters provided that such pursuit is uninterrupted. The pursuit shall cease if the vessel pursued enters the coastal waters of another country.

If such a vessel is captured, the Government of the Federal People's Republic of Yugoslavia shall notify, through the diplomatic channel, the government under whose flag the captured vessel is plying.

III. FINAL PROVISIONS


The provisions of this Act shall not apply to a military conflict in which the Federal People's Republic of Yugoslavia is a belligerent.

The Government of the Federal People's Republic of Yugoslavia shall be empowered to enact regulations concerning coastal waters in the event of a
military conflict in which the Federal People’s Republic of Yugoslavia is neutral.

**Article 14.** Further regulations for the execution of this Act shall be issued by the Government of the Federal People’s Republic of Yugoslavia.

(b) **Customs Act of 12 October 1948** as amended in 1951

**Article 2.** The customs area is bounded by the customs border which is the State frontier on land, on sea and on the frontier lakes.

**Article 3.** The frontier customs zone on land is the customs area adjacent to the customs border; the width of this zone and the measures for the exercise of customs supervision shall be determined by the Minister of Foreign Trade.

The frontier customs zone at sea and on frontier lakes and rivers, aerodromes and air routes shall be fixed by the Minister of Foreign Trade as being located at the boundaries of the territorial waters or frontiers of the Federal People’s Republic of Yugoslavia.

**Article 11.** Navigation in Yugoslav coastal waters, on the Yugoslav sector of the Danube, on the Naretva from Metkovica to where it enters the sea and on the Yugoslav sectors of frontier lakes shall be subject to customs supervision.

Vessels plying in Yugoslav coastal waters, on the Yugoslav sectors of frontier lakes and international navigable rivers and aircraft engaged in international traffic, with or without cargo, must carry a manifest. The conditions under which Yugoslav vessels may be exempted from this requirement shall be determined by the Minister of Foreign Trade in agreement with the Minister of Marine.

The master of the vessel or captain of the aircraft shall be responsible for the accuracy of the manifest.

Deviations not exceeding 8 per cent in the weight of goods as shown on the manifest shall be allowed, depending on the nature and quality of the goods.

**Article 12.** Yugoslav naval vessels and foreign warships which have permission to sojourn shall not be subject to customs supervision.

If such vessels transport goods or passengers, the goods and passengers and any communication between such vessels and the shore shall be subject to customs supervision on shore.

**Article 35.** A fine not exceeding 100,000 dinars may be imposed on any person who:

1. Causes a ship which carries supplies originating in a foreign country to establish contact with the Yugoslav coast before clearing customs;

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2 The text of the Amendment to the said Act has been provided by the Secretariat of State for Foreign Affairs of the Federal People’s Republic of Yugoslavia. Translation by the Secretariat of the United Nations.
(8) Places on the market any goods found near the customs boundary in coastal waters or in frontier lakes or rivers, or any goods cast upon the shore of such waters or jettisoned from any aircraft coming from abroad, unless it is proved that such goods are of domestic origin;

Article 36. A fine not exceeding 10,000 dinars may be imposed on any person who:

(8) In breach of existing provisions and without the approval of the customs authorities anchors a ship in a harbour closed to traffic;

(9) Navigates in the territorial sea without valid customs documents or communicates with a foreign country by means of any aircraft which does not carry a manifest;

(c) Regulations for the Execution of the Customs Act, 2 February 1949

Article 4. The frontier customs zone on land is the area of Yugoslav territory which extends for fifteen miles inland from the customs border. The frontier customs zone on frontier rivers and lakes is constituted by the sections of such rivers and lakes belonging to the Federal People's Republic of Yugoslavia. The frontier customs zone at customs airports is the area at an airport required for the performance of customs services. The frontier customs zone on customs air routes is the area extending from the customs border to the customs airport between the points fixed in agreements on air traffic. The inland waters of the Federal People's Republic of Yugoslavia are defined in Article 3 of the Act concerning Coastal Waters, and all the decrees of the Federal People's Republic of Yugoslavia shall apply in them. The frontier customs zone at sea is the sea area extending for six nautical miles in the direction of the open sea measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inner seas of the Federal People's Republic of Yugoslavia. The inland waters and the frontier customs zone at sea form the coastal waters of the Federal People's Republic of Yugoslavia.

Article 8. Provided they are open to international traffic, international water routes by sea, on frontier rivers and frontier lakes as well as ports and harbours, are customs waterways.

Article 19. Vessels plying in the waters of the Federal People's Republic of Yugoslavia and in the frontier customs zone on frontier rivers and lakes,

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with the exception of vessels in specially authorized service (Article 77 of these regulations) are subject to customs inspection.

Customs inspection comprises: moving, stopping, inspection, search and all loading, unloading and transhipping of goods and passengers.

Article 20. Vessels plying in the coastal waters of the Federal People’s Republic of Yugoslavia and in the frontier customs zone on frontier lakes and rivers, with the exception of those in specially authorized service (Article 77 of these regulations), must be provided with a manifest in addition to the other ship’s papers. A foreign manifest will be accepted in the case of ships arriving from abroad.

Particulars of the cargo are entered in the manifest on the basis of customs documents or freight lists.

. . .

Article 22. The inspection of a vessel consists in checking the cargo with the ship’s manifest. Such inspection is carried out under the terms of these regulations by customs control officials. For this purpose they may also engage experts and, where necessary, if the vessel is under-way, may direct it to the nearest port (harbour) for inspection.

If there are well-founded suspicions, a vessel may be searched in order to discover concealed merchandise. If such merchandise is found, the vessel may, if necessary, be escorted to the nearest customhouse.

The master of the vessel will, upon his request, be given a certificate concerning the results of the inspection or search.

(d) Regulation relating to the flying of the flag of the merchant marine and inland waterways ships of the Federal People’s Republic of Yugoslavia and to the signals procedure applicable to such ships

. . .

Article 5. Every foreign ship passing through the coastal waters of the Federal People’s Republic of Yugoslavia shall fly its flag in conformity with articles 3 and 4 of this regulation.

1 Text provided by the Secretariat of State for Foreign Affairs of the Federal People’s Republic of Yugoslavia. Translation by the Secretariat of the United Nations.
Section B

CRIMINAL AND CIVIL JURISDICTION

Australia

(a) Territorial Waters Jurisdiction Act, 1878 (An Act of the Parliament of the United Kingdom in force in Australia) (infra, Chapter II, Section B under United Kingdom (a))

(b) Navigation Act, 1912-1953, Parts IX and X (supra, Chapter II, Section A under Australia (b))

States of Australia

(a) Navigation Act, 1901-1954 (New South Wales), Part III (supra, Chapter II, Section A, under States of Australia (a))

Belgique

(a) Note du 27 décembre 1955 reçue de la Mission permanente de la Belgique auprès de l'Organisation des Nations Unies

Les crimes et délits de droit commun commis à bord de navires étrangers dans les eaux territoriales belges ne donnent pas lieu à l'arrêt du navire lors de son passage par ces eaux. L'intervention des autorités locales ne devient effective que si le navire entre dans un port et que si la tranquillité du port est compromise ou si le concours est réclamé soit par le Consul, soit par le capitaine ou par des passagers lésés. Cette question n'est pas réglée par la loi, mais par le droit des gens et spécialement par l'avis du Conseil d'État de France du 20 novembre 1806...

1 Les tribunaux belges sont en principe compétents pour connaître des litiges entre navires étrangers notamment lorsque ces litiges trouvent leur cause dans des faits qui se sont produits pendant le passage dans des eaux belges.

Toutefois leur compétence est reconnue et les parties ne sont pas autorisées de décliner celle-ci dans les cas déterminés à l'article 52 de la loi du 25 mars 1876, modifiée par celle du 4 septembre 1908...

2 Par ailleurs, les tribunaux ne peuvent pas décliner leur compétence lorsque les deux parties étrangères sont d'accord pour leur soumettre le litige....

Les tribunaux sont en tous cas compétents pour tout litige où un navire étranger est demandeur contre un navire belge....

1 Voir infra, Chapitre II, Section B, France.
2 Voir plus bas (b).
Loi du 25 mars 1876 contenant le titre 1er du livre préliminaire du Code de procédure civile, modifiée par la loi du 4 septembre 1908

**Article 52.** Les étrangers pourront être assignés devant les tribunaux du royaume, soit par un Belge, soit par un étranger, dans les cas suivants:

(11°) [L. du 4 sept. 1908, art. 2. — En cas d’abordage ou d’assistance en haute mer ou dans les eaux étrangères, quand le bâtiment contre lequel les poursuites sont exercées se trouve dans les eaux belges au moment où la signification a lieu.]

**Article 53.** Lorsque les différentes bases indiquées au présent chapitre sont insuffisantes pour déterminer la compétence des tribunaux belges à l’égard des étrangers, le demandeur pourra porter la cause devant le juge du lieu où il a lui-même son domicile ou sa résidence.

**Article 54.** Dans les cas non prévus à l’article 52 ci-dessus, l’étranger pourra, si ce droit appartient au Belge dans le pays de cet étranger, décliner la juridiction des tribunaux belges; mais à défaut par lui de ce faire dans les premières conclusions, le juge retiendra la cause et y fera droit.

Cette réciprocité sera constatée soit par les traités conclus entre les deux pays, soit par la production des lois ou actes propres à en établir l’existence. L’étranger défaillant sera présumé décliner la juridiction des tribunaux belges.

Loi du 5 juin 1928 portant révision du Code disciplinaire et pénal pour la marine marchande et la pêche maritime, modifiée par la loi du 19 avril 1934

**Dispositions préliminaires**

**Article 4.** Pour l’application du présent Code:

...Les termes « royaume » et « eaux ou ports du royaume » désignent la métropole, à l’exclusion de la colonie et les eaux ou ports métropolitains, à l’exclusion des eaux ou ports du Congo.

**Titre 1er. — De la pénalité**

**Chapitre II. — Des infractions et de leur répression**

**Section II. — Des délits et des crimes maritimes**

**Article 52.** Sera puni d’un emprisonnement de trois jours à trois mois et d’une amende de 26 francs à 300 francs, ou d’une de ces peines seulement,

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1 Les Codes Larcier, ed. 1953, t. I, Bruxelles, p. 159-163.
2 Ibid., t. II, Bruxelles, p. 149 et suiv.
à moins qu’une sanction plus forte ne résulte de l’application d’une loi particulière, tout capitaine ou homme d’équipage qui aura contrevenu aux lois et règlements de police maritime.

**Article 55.** Tout capitaine qui aura refusé d’obéir aux ordres des consuls ou des commissaires maritimes ou qui les aura outragés par paroles, faits, gestes ou menaces, dans l’exercice de leurs fonctions ou à l’occasion de leurs fonctions, sera puni d’une amende de 26 francs à 300 francs ou d’une de ces peines seulement.

**Article 56.** Le capitaine d’un navire étranger qui, dans les eaux du royaume, se rendra coupable des infractions visées aux articles 52 et 55 ci-dessus, sera passible des peines y prévues.

**Article 57.** Sera punie d’un emprisonnement de huit jours à un mois, et d’une amende de 26 francs à 500 francs ou d’une de ces peines seulement, toute personne qui par défaut de prévoyance ou de précaution a causé la destruction, la détérioration, le déplacement ou l’arrachement des balises, feux ou bouées ou de tous autres engins servant à la sécurité de la navigation.

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(d) **Loi du 4 septembre 1908 relative à la saisie et à la surenchère sur aliénation volontaire des navires et des bateaux, ainsi qu’à la compétence en matière maritime et fluviale**

**Chapitre premier. De la saisie conservatoire**

**Article 1er.** Dans les cas qui requièrent célérité, le président du tribunal de première instance peut permettre de saisir conservatoirement les navires et les bateaux qui se trouvent dans le ressort du tribunal. L’autorisation est accordée par le président du tribunal de commerce si la contestation a pour objet un acte commercial à l’égard du défendeur. Le président peut, suivant l’exigence des cas, assujettir le demandeur à donner caution ou à justifier de solvabilité suffisante. Son ordonnance est exécutoire par provision. En cas de contestation, les parties se pourvoient en référé.

**Chapitre IV. De la surenchère sur aliénation volontaire**

**Article 29.** La réquisition par laquelle un créancier inscrit poursuit la mise du navire ou du bateau aux enchères, conformément à l’article 42 du livre II du Code de commerce, contient constitution d’avoué près le tribunal du lieu où se trouve le navire, et, s’il est en cours de voyage, devant le tribunal du port d’attache. L’acte de réquisition de mise aux enchères contient, à peine de nullité de la surenchère, l’offre de la caution, avec assignation à trois jours devant le même tribunal pour la réception de cette caution, à laquelle il est procédé comme en matière sommaire et urgente.

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Brazil

CODE OF CRIMINAL PROCEDURE (LEGISLATIVE DEGREE No. 3689
OF 3 OCTOBER 1941) ¹

Article 89. Persons accused of crimes committed on board any vessel
in the territorial waters of the Republic or on frontier rivers or lakes, and
crimes committed on board Brazilian vessels on the high seas, shall be tried
and judged by the magistrate of the first Brazilian port at which the vessel
calls after the crime has been committed, or, if it has left the country, by
the magistrate of the last Brazilian port of call.

Canada

(a) CRIMINAL CODE (ASSESSED TO 26 JUNE 1954) ²

420. (1) Where an offence is committed by a person, whether or not
he is a Canadian citizen, on a part of the sea adjacent to the coast of Canada
and within three nautical miles of ordinary low water mark, whether or
not it was committed on board or by means of a Canadian ship, the offence
is within the competence of and shall be tried by the court having jurisdic-
tion in respect of similar offences in the territorial division nearest to the
place where the offence was committed, and shall be tried in the same
manner as if the offence had been committed within that territorial division.
(2) No proceedings for an offence to which subsection (1) applies shall,
where the accused is not a Canadian citizen, be instituted without the
consent of the Attorney General of Canada.

(b) ADMIRALTY ACT, 1934 ³

2. In this Act,

(b) "Court" means the Exchequer Court of Canada and includes the
President and the Puisne Judges of that Court, respectively, and, as well,
every District, Deputy and Surrogate Judge of that Court, whenever any
thereof are exercising as a court any jurisdiction in Admiralty of that Court;

(i) "ship" includes any description of vessel used in navigation not
propelled by oars;

¹ Diário Oficial, vol. 80, No. 238, 13 October 1941, p. 19699; Translation by
the Secretariat of the United Nations; see United Nations Legislative Series, Laws
² Statutes of Canada, 1953-54, Chapter 51.
³ Revised Statutes of Canada, 1952, Chapter 1.
JURISDICTION

18. (1) The jurisdiction of the Court on its Admiralty side extends to and shall be exercised in respect of all navigable waters, tidal and non-tidal whether naturally navigable or artificially made so, and although such waters are within the body of a county or other judicial district, and, generally, such jurisdiction shall, subject to the provisions of this Act, be over the like places, persons, matters and things as the Admiralty jurisdiction now possessed by the High Court of Justice in England, whether existing by virtue of any statute or otherwise, and be exercised by the Court in like manner and to as full an extent as by such High Court.

(2) Without restricting the generality of subsection (1) of this section, and subject to the provisions of subsection (3) thereof, section 22 of the Supreme Court of Judicature (Consolidation) Act, 1925, of the Parliament of the United Kingdom, which is Schedule A to this Act, shall, in so far as it can, apply to and be applied by the Court, mutatis mutandis, as if that section of that Act had been by this Act re-enacted, with the word “Canada” substituted for the word “England”, the words “Governor in Council” substituted for “His Majesty in Council”, the words “Canada Shipping Act” (with the proper references to years of enactment and sections) substituted, except with relation to mortgages, for the words “Merchant Shipping Act” (and any equivalent references to years of enactment and sections) and with the words “or other judicial district” added to the words “body of a county”, wherever in such section 22 of such Supreme Court of Judicature (Consolidation) Act, 1925, any of the indicated words of that Act appear.

(3) Notwithstanding anything in this Act or in the Act mentioned in subsection (2), the Court has jurisdiction to hear and determine

(a) Any claim
   (i) Arising out of an agreement relating to the use or hire of a ship,
   (ii) Relating to the carriage of goods in a ship, or
   (iii) In tort in respect of goods carried in a ship,
(b) Any claim for necessaries supplied to a ship, or
(c) Any claim for general average contribution.

(4) No action in rem in respect of any claim mentioned in paragraph (a) of subsection (3) is within the jurisdiction of the Court unless it is shown to the Court that at the time of the institution of the proceedings no owner or part owner of the ship was domiciled in Canada.

(5) The jurisdiction of the Court over claims for services in the nature of salvage includes jurisdiction in rem and in personam in relation to salvage of life or property of, from or by aircraft on or over the sea or any tidal waters and on or over the Great Lakes of North America, so called, and such jurisdiction shall be exercised and applied in the same manner, to the same extent and with the same effect as if such aircraft were ships; but the Governor in Council may by Order in Council make modifications of and exemptions from the provisions of this subsection to such extent as appears to him necessary or expedient.

(6) The Court on its Admiralty side has and shall exercise such other jurisdiction and execute such power and authority, in or relating to admiralty matters, as
   (a) Heretofore have been conferred upon it by any Act of the Parliament of Canada, or
(b) Hereafter may be conferred upon it, at the request and with the consent of Canada, by any Act of the Parliament of the United Kingdom or of any British Dominion, enacted in execution of any agreement for reciprocal legislation with relation to Admiralty jurisdiction or to shipping and navigation made or to be made and including Canada as a party thereto.

(7) The jurisdiction of the Court on its Admiralty side shall, so far as regards procedure and practice, be exercised in the manner provided by this Act or by general rules and orders, and where no special provision is contained in this Act or in general rules and orders with reference thereto any such jurisdiction shall be exercised as nearly as may be in the same manner as that in which it may now be exercised by the Court. 1934, c. 31, s. 18.

SCHEDULE A

Section twenty-two of Chapter forty-nine of 15-16 Geo. V of the Parliament of the United Kingdom, being the Supreme Court of Judicature (Consolidation) Act, 1925

22. (1) The High Court shall, in relation to admiralty matters, have the following jurisdiction (in this Act referred to as "admiralty jurisdiction") that is to say:

(iii) Any claim for damage received by a ship, whether received within the body of a county or on the high seas;

(iv) Any claim for damage done by a ship;

(v) Subject to the provisions of section five hundred and forty-seven of the Merchant Shipping Act, 1894, with respect to the summary determination of salvage disputes, any claim in the nature of salvage for services rendered to a ship (including, subject to the provisions of the said Act, services rendered in saving life from a ship), whether rendered on the high seas or within the body of a county, or partly on the high seas and partly within the body of a county, and whether the wreck in respect of which the salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land;

(vi) Any claim in the nature of towage, whether the services were rendered within the body of a county or on the high seas;

(vii) Any claim for necessaries supplied to a foreign ship, whether within the body of a county or on the high seas, and, unless it is shown to the Court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England, any claim for any necessaries supplied to a ship elsewhere than in the port to which the ship belongs;

(viii) Any claim by a seaman of a ship for wages earned by him on board the ship, whether due under a special contract or otherwise, and any claim by the master of a ship for wages earned by him on board the ship and for disbursements made by him on account of the ship;

(3) In this Act, unless the context otherwise requires, the expression "ship" includes any description of vessel used in navigation not propelled by oars. 1934, c. 31, Sch. A.
2. In this Act, "ship" includes vessel and boat, with the tackle, furniture and apparel of the ship, vessel or boat, and other words and expressions have the same meaning as in the *Admiralty Act*, 1945, c. 12, s. 2.

**PRIZE COURT**

3. (1) The Exchequer Court of Canada on its Admiralty side shall have and exercise, subject to the provisions of this Act, jurisdiction in all matters of prize in Canada.

(2) A judge may exercise the prize jurisdiction of the Court in the same manner and to the same extent as he may exercise the Admiralty jurisdiction of the Court.

(3) The Minister of Justice may, from time to time by notice published in the *Canada Gazette*, designate by name or office, the persons who may act as Registrars, Marshals or other officers of the Court in the exercise of its prize jurisdiction. 1945, c. 12, s. 3.

4. An appeal may be taken from any decision of the Court or of a judge made in the exercise of the prize jurisdiction of the Court, in accordance with the provisions of the *Admiralty Act*, regarding appeals from decisions of the Court. 1945, c. 12, s. 4.

**PRIZE LAW OF CANADA**

5. (1) The Court shall, subject to the provisions of this section, take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals made under the authority of Her Majesty in right of Canada of all ships, aircraft or goods, and shall hear and determine the same and, according to the Course of Admiralty and the Law of Nations, adjuge and condemn all such ships, aircraft or goods as belong to any enemy country or the citizens or subjects thereof or any other persons inhabiting any of the countries, territories or dominions of any enemy country or which are otherwise condemnable as prize.

(2) Subject to any orders or regulations made under this Act and until otherwise provided by or pursuant to any other Act of the Parliament of Canada, all Acts enacted by the Parliament of the United Kingdom, and all orders, regulations or rules made pursuant thereto, in force in the United Kingdom on the 10th day of September, 1939, in respect of ships, aircraft or goods taken as prize under the authority of Her Majesty in right of the United Kingdom and within or brought within the United Kingdom or the territorial waters thereof, and in respect of all matters relating to the taking thereof, or otherwise with regard thereto as prize, shall apply in, and be the law of Canada, *mutatis mutandis*, in respect of ships, aircraft or goods taken as prize under the authority of Her Majesty in right of Canada, and within or brought within Canada or the territorial waters thereof, and in respect of all matters relating to the taking thereof, or otherwise with regard thereto as prize; and, subject as aforesaid, the Court shall exercise its prize jurisdiction in respect of the like persons, matters and things and

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in a like manner and with a like authority and to as full an extent in respect of such last mentioned ships, aircraft or goods as the High Court of Justice in England might on the said date exercise its prize jurisdiction in respect of such first mentioned ships, aircraft or goods. 1945, c. 12, s. 5.

6. (1) After the commencement of this Act, no proceedings to enforce a claim for services rendered in retaking a ship, aircraft or goods taken by an enemy shall be instituted and no such claim shall be made or shall be relied upon in any proceedings by way of defence or otherwise without the consent of the Attorney General of Canada.

(2) Evidence of the consent required by this section may be given by means of a document purporting to give such consent and to be signed by the Attorney General of Canada. 1945, c. 12, s. 6.

RECIPROCAL ARRANGEMENTS WITH OTHER GOVERNMENTS

8. (1) Where Her Majesty in right of a government other than the Government of Canada or a co-belligerent of Her Majesty consents to the taking as prize under the authority of Her Majesty in the right of Canada, of ships, aircraft or goods within the territory or territorial waters of Her Majesty in right of the said government, or of the said co-belligerent, or to the bringing within the said territory or territorial waters of ships, aircraft or goods so taken outside the said territory or territorial waters, the Court shall have and exercise jurisdiction in prize in respect of the said ships, aircraft or goods in a like manner and to the same extent as in the case of ships, aircraft or goods so taken on the high seas and brought within Canada or the territorial waters of Canada.

(2) Where Her Majesty in right of a government other than the Government of Canada or a co-belligerent of Her Majesty has given the consent referred to in subsection (1), any ship, aircraft or goods taken as prize under the authority of Her Majesty in right of Canada within or so taken and brought within the territory or territorial waters of Her Majesty in right of the said government or of the said co-belligerent, before the said consent was given, shall be deemed to be so taken or brought with the said consent unless it is expressly stated in the said consent that it is to have effect only with respect to ships, aircraft or goods so taken or brought after the date of the consent.

(3) Without limiting or restricting the authority of the Court otherwise to receive or to admit evidence, where Her Majesty in right of a government other than the Government of Canada or a co-belligerent of Her Majesty has given the consent referred to in subsection (1), the Court may receive evidence in respect of the taking as prize under the authority of Her Majesty in right of Canada, of any ship, aircraft or goods taken within, or so taken and brought within, the territory or territorial waters of Her Majesty in right of the said government or of the said co-belligerent, or in respect of any other matters of prize relating thereto, received and recorded by a prize court constituted by or under the authority of Her Majesty in right of the said government or of the said co-belligerent if the evidence would be received and admissible in the Court if given before it. 1945, c. 12, s. 8.

9. (1) Where Her Majesty in right of a government other than the Government of Canada or a co-belligerent of Her Majesty has given the
consent referred to in section 8, or where it has been agreed that such a consent will be given, the Governor in Council may authorize the Secretary of State for External Affairs to consent on behalf of Her Majesty in right of Canada, on such terms as the Governor in Council deems advisable, to the taking as prize, under the authority of Her Majesty in right of the said government, or of the said co-belligerent, of ships, aircraft or goods within, or the bringing of ships, aircraft or goods so taken within Canada or the territorial waters of Canada.

(2) Where a consent has been given under subsection (1) to Her Majesty in right of a government other than the Government of Canada or to a co-belligerent of Her Majesty, if an undertaking by Her Majesty in right of the said government or by the said co-belligerent is given to Her Majesty in right of Canada to bear all expenses in connection therewith, the Court may order that any ship, aircraft or goods taken as prize under the authority of Her Majesty in right of the said government, or of the said co-belligerent, within, or so taken and brought within Canada or the territorial waters of Canada, be held in the custody of the Court until an order is made by a prize court constituted by or under the authority of Her Majesty in right of the said government or of the said co-belligerent with regard to the release or disposal thereof.

(3) The Court shall recognize and give effect to any proceedings or order taken or made in relation to any ship, aircraft or goods held in the custody of the Court pursuant to an order made under subsection (2) before or by a prize court having jurisdiction in respect thereof constituted by or under the authority of Her Majesty in right of the government, or of the co-belligerent of Her Majesty, under whose authority the said ship, aircraft or goods was taken or brought within Canada or the territorial waters of Canada.

(4) The Court may receive and record evidence in respect of the taking of any ship, aircraft or goods taken or brought within Canada or the territorial waters of Canada under the authority of Her Majesty in right of a government other than the Government of Canada, or of a co-belligerent of Her Majesty, to whom a consent has been given under this section, or in respect of any other matter of prize relating thereto, if application for that purpose is made to it on behalf of Her Majesty in right of the said government or of the said co-belligerent. 1945, c. 12. s. 9.

10. Notice of a consent under either of the two last preceding sections and of the terms thereof shall be given by proclamation of the Governor in Council published in the Canada Gazette and such proclamation shall be conclusive evidence of such consent and of the terms thereof. 1945, c. 12, s. 10.

Note. See also: Canada Shipping Act, 1934, section 693 (supra, Chapter II, Section A, under Canada (a)); and Foreign Enlistment Act, 1937, Sections 2-4, 6, 12, 13, 16-19 (supra, Chapter II, Section A, under Canada (c)).
Ceylon

(a) Criminal Procedure Code, 1 March 1899

PART VI. PROCEEDINGS IN PROSECUTIONS

Chapter XIV. Of the Jurisdiction of the Criminal Courts in Inquiries and Trials

A. Place of Inquiry or Trial

136. Any District Court or Magistrate's Court within the local limits of the jurisdiction of which an accused may be or be found shall have jurisdiction respectively in all cases of offences otherwise within their respective jurisdictions which have been committed on the territorial waters of the Island.

(b) Civil Law Ordinance of 1 July 1853, as amended up to 1944

2. The law to be hereafter administered in this Island in respect of all contracts or questions arising within the same relating to ships and to the property therein, and to the owners thereof, the behaviour of the master and mariners, and their respective rights, duties, and liabilities, relating to the carriage of passengers and goods by ships, to stoppage in transitu, to freight, demurrage, insurance, salvage, average, collision between ships, to bills of lading, and generally to all maritime matters, shall be the same in respect of the said matters as would be administered in England in the like case at the corresponding period, if the contract had been entered into or if the act in respect of which any such question shall have arisen had been done in England, unless in any case other provision is or shall be made by any Ordinance now in force in this Island or hereafter to be enacted.

(c) Ceylon Courts of Admiralty Ordinance of 2 March 1892, as amended

2. It is hereby declared that the Supreme Court of the Island of Ceylon shall be a Colonial Court of Admiralty, and such court shall have jurisdic-

1 Legislative Enactments of Ceylon, vol. I, Revised 1938, p. 327. Text provided by the Ministry for External Affairs of Ceylon.
2 Ibid., vol. II, Revised 1938, p. 138. Text provided by the Ministry for External Affairs of Ceylon.
3 By section 357 of the Companies Ordinance, No. 51 of 1938, and Ordinance No. 17, 1944. The texts of these ordinances have been provided by the Ministry for External Affairs of Ceylon.
5 By the First Schedule of the Proclamation No. C. 126/48 of 4 February 1948 (the Ceylon Government Gazette, Extraordinary, No. 9828 of 5 February 1948).
tion, subject to the provisions and limitations contained in the Colonial Courts of Admiralty Act, 1890, over the like places, persons, matters, and things as the admiralty jurisdiction of the High Court in England, whether existing by virtue of any Statute or otherwise, and such Colonial Court of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that court to international law and the comity of nations.

4. Any District Court having admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes:

(c) As to any claim for damage to cargo or damage to ships by collision or otherwise, or damage done by any ship, in any cause in which the amount claimed does not exceed three thousand rupees;

(d) Shipping Inquiries Ordinance of 7 November 1899

2. In this Ordinance, unless the context otherwise requires —

"Board of Trade" means the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations;

"High Court" means His Majesty's High Court of Justice in England.

3. (1) It is hereby declared that District Courts shall have jurisdiction to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, in the following cases, namely:

(a) Where a shipwreck or casualty occurs to a British ship on or near the coast of Ceylon or to a British ship in the course of a voyage to a port in Ceylon;

(b) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in Ceylon;

(c) Where some of the crew of a British ship which has been wrecked, or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Ceylon;

(d) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Ceylon, or on board a British ship in the course of a voyage to a port in Ceylon;

(e) Where the incompetency or misconduct has occurred on board a British ship registered in Ceylon;

(f) When the master, mate, or engineer of a British ship, who is charged with incompetency or misconduct on board that British ship, is found in Ceylon.

(2) District Courts shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

1 Ibid., vol. VI, Revised 1938, p. 153. Text provided by the Ministry for External Affairs of Ceylon.
4. For the purpose of inquiries and investigations under this Ordinance a shipping casualty shall be deemed to occur —

(a) When on or near the coasts of Ceylon any ship is lost, abandoned, or materially damaged;

(b) When on or near the coasts of Ceylon any ship has been stranded or damaged, and any witness is found in Ceylon;

(c) When on or near the coasts of Ceylon any ship causes loss or material damage to any other ship;

(d) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of Ceylon;

(e) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in Ceylon;

(f) When in any place any British ship is stranded or damaged and any witness is found in Ceylon;

(g) When any British ship is lost or is supposed to have been lost and any evidence is obtainable in Ceylon as to the circumstances under which she proceeded to sea or was last heard of.

5. When a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by the following persons, namely:

(a) Where the shipping casualty occurs on or near the coasts of Ceylon, by the receiver of wrecks residing at or nearest to the place where such loss, abandonment, damage, or casualty occurred;

(b) Where the shipping casualty occurs elsewhere, by the receiver of wrecks residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(c) By any other person appointed for that purpose by the Governor to make inquiry respecting such loss, abandonment, damage, or casualty.

7. When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Principal Collector of Customs may, if he thinks fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Ordinance relating thereto shall apply accordingly.

Chile

(a) Penal Code, 12 November 1874

Article 5. Chilean penal law shall apply to all inhabitants of the Republic, including aliens. Offences committed in territorial or adjacent waters shall be subject to the provisions of this Code.

(b) Code of Penal Procedure, 30 August 1944

Article 1. The courts of the Republic shall have jurisdiction to try offences committed within the territory of the Republic, whether by a

Chilean citizen or an alien, with the exception of cases provided for in generally recognized rules of international law.

Article 37. A public prosecution shall be discontinued, in conformity with international law:

3. Where the accused is arrested on board a vessel flying a friendly or neutral flag which has been forced to put into port.

Article 159. Before entering or searching any premises or vessel deemed to be the territory of another State by virtue of international law, the judge shall apply for leave to proceed to the diplomatic agent concerned by means of an official communication requesting a reply within twenty-four hours. Such communications shall be transmitted through the Ministry of Foreign Affairs.

If the diplomatic agent withholds his consent or fails to reply within the stated time-limit, the judge shall inform the Ministry of Foreign Affairs. Pending a reply from the Minister regarding the results of any steps taken, the judge shall abstain from entering the place in question but shall order the precautionary measures specified in article 162.

(c) Code of Military Justice, 19 December 1944

Article 3. The military tribunals of the Republic shall have jurisdiction over all Chileans and aliens involved in cases arising within Chilean territory and coming under military jurisdiction.

Such tribunals shall also be competent to take cognizance of cases arising and offences committed outside Chilean territory, in the following cases:

1. Where the material incident occurs within a territory under Chilean military occupation;
2. Where an offence is committed by a member of the armed forces in the exercise of his functions or while engaged on a service mission;
3. Where an offence is committed against the sovereignty of the State and its external or internal security.

(d) Code relating to the Organization of Courts, 15 June 1943

Article 5. The courts established under this Code shall take cognizance of all secular judicial proceedings instituted within the territory of the Republic, whatever the nature of the case and the status of the parties thereto, subject only to the following exceptions:

(There follows a list which has no bearing on the subject under review.)

China

(a) Chinese Criminal Code promulgated by the National Government on 1 January 1935; entered into force on 1 July of the same year.

Article 3. This Code shall apply to any offence committed within the territorial limits of the Republic of China. Offences committed on any Chinese vessel or aircraft beyond the territorial limits of the Republic of China shall be deemed to have been committed within the territorial limits of the Republic of China.

Article 4. An offence shall be deemed to have been committed within the territory of the Republic of China if the overt act constituting the offence is committed within the territory of the Republic of China, or if the offence produces its effect in the territory of the Republic of China.

(b) Code of Civil Procedure promulgated by the National Government of the Republic of China on 1 February 1935, and brought into effect on 1 July of the same year.

Article 7. An action brought against the owner or operator of a vessel in connexion with the vessel or its navigation may be subject to the jurisdiction of the court of the place where the home port of the vessel is situated.

Article 8. An action arising out of an obligation incurred by a vessel, or secured by a vessel, may be subject to the jurisdiction of the court of the place where the vessel is located.

Article 15. An action arising out of a tort may be subject to the jurisdiction of the court of the place where the tort is committed. An action arising out of a claim for compensation, in the case of a collision between vessels or other maritime accident, may be subject to the jurisdiction of the court of the first place reached by the injured vessel, or the place in which the wrongdoing vessel is detained, or the place in which the home port of the latter is situated. An action for damages, in the case of a mishap in aerial navigation or other accident to an aircraft, may be subject to the jurisdiction of the court of the place where the injured aircraft first lands or where the wrong-doing vessel is detained.

Article 16. An action arising out of salvage in a maritime disaster may be subject to the jurisdiction of the court of the place where the salvage service is rendered, or the place first reached by the salved vessel.

Article 113. All matters relating to the collision of vessels shall be dealt with in accordance with the provisions of the present chapter, irrespective of the place where such collision has occurred.

Article 118. The right of claim arising out of a collision is extinguished by prescription if not exercised within a period of two years computed from the date when such collision occurred.

Article 119. In the case of a collision of vessels, if the injured party is a Chinese vessel or a Chinese national, the court may at any time detain the wrong-doing vessel, irrespective of the place where the collision occurred, so long as such vessel is found in Chinese ports, rivers or territorial waters. The vessel detained under the preceding paragraph may petition for its release, on condition that security is deposited with the court.

Article 120. Legal proceedings in connexion with collision may be instituted before any of the following courts:
1. The court of the place where the defendant's residence or business office is located;
2. The court of the place where the collision occurred;
3. The court of the place where the home port of the defendant vessel is situated;
4. The court of the place where the wrong-doing vessel is detained.

Costa Rica

(a) Penal Code of 21 August 1941

Article 3. Costa Rican penal law shall apply to any person committing a punishable act in the national territory, which includes the air space and territorial waters, Costa Rican legations, naval vessels and military aircraft as well as Costa Rican merchant vessels and aircraft on the high seas or in free air space, subject to the exceptions with respect to immunity and extra-territoriality recognized by international law.

(b) Police Code of 21 August 1941

Article 3. In police cases Costa Rican law shall apply solely to offences committed in the national territory, which includes the air space and
terrestrial waters, Costa Rican legations, naval vessels and military aircraft as well as Costa Rican merchant vessels and aircraft on the high seas or in free air space, subject to the exceptions with respect to immunity or extraterritoriality recognized by international law.

Cuba

(a) Code of Social Defense, 4 April 1936

Article 7. (A) The provisions of the present Code shall apply to all crimes and offences committed in the territory of the Republic and in Cuban territorial waters or air space, or on board Cuban ships or aircraft, wherever they may be, subject to the exceptions established by international law and treaties.

(B) The provisions shall likewise apply to crimes committed on board foreign ships or aircraft in Cuban territorial waters or air, whether committed by Cubans or aliens, other than offences committed by one foreign member of the crew against another, unless in the latter case the assistance of the authorities of the Republic is requested by the victim, the captain of the ship or the consul of the country concerned.

(C) Notwithstanding the provisions of the last portion of the preceding sub-paragraph, the foreign nation may claim jurisdiction over the case instituted before the Cuban courts, and the surrender of the offender in accordance with any relevant provisions of treaties in force.

(D) For the purposes of this Code, territorial waters shall be taken to mean the waters surrounding the coasts of the Republic to a distance of three nautical miles therefrom reckoned from the lowest low-watermark on the most distant adjacent key or island, following the coastline of the national territory and of its keys or islands.

(E) The Cuban territorial air space shall be deemed to mean the air space situated above Cuban territory or territorial waters.

(b) Legislative Decree No. 108 of 8 January 1934

Article 7. (third paragraph)

The harbour-masters shall have authority to order the preventive detention or attachment of any foreign vessel against which a complaint has been lodged by reason of a collision in the territorial waters of Cuba, or by reason of a collision on the high seas if a vessel of the Cuban Marine was involved in the accident.

Note. See also: Organic Law of the Army and Navy, approved by Decree—Law No. 7 of 27 January 1942, article 36 (supra, Chapter I, under Cuba (a)).


Denmark

(a) Civil Penal Code, as amended up to and including Act No. 215 of 24 June 1939

Article 6. 1. Danish penal jurisdiction shall extend to all acts committed:
   (1) Within the Danish State;
   (2) On board Danish vessels in areas not recognized in international law as the territory of any State;
   (3) On board Danish vessels in areas recognized in international law as the territory of a particular foreign State, by persons belonging to the vessel or travelling as passengers thereon.

2. The Minister of Justice shall determine to what extent offences committed in Danish territory on board a foreign vessel by and against a person belonging to the vessel or travelling as a passenger thereon shall be prosecuted. (Cf. Order No. 290 of 15 November 1932).

(b) Order No. 290 of 15 November 1932 Concerning Prosecution in Respect of Offences Committed on Board Foreign Vessels in Danish Territory

Pursuant to article 6, paragraph (2), of the General Penal Code of 15 April 1930, the Ministry of Justice hereby orders that prosecution in respect of an offence committed on board a foreign vessel in Danish territory (port, territorial sea or territorial air space) by or against a member of the crew of or passenger on the said vessel may be instituted only if:
   The offender is a Danish citizen or is resident in the Danish State;
   There is a breach of the peace;
   The assistance of the Danish authorities is requested by the injured party;
   Danish criminal jurisdiction would, under article 8 of the Criminal Code, have extended to the offence had it been committed outside the Danish State; or the Chief Public Prosecutor so orders.

Dominican Republic

(a) Harbour and Coastal Police Act No. 3003 of 1951, Article 4 (supra, Chapter II, Section A, under Dominican Republic (c)).

(b) Act No. 3342 of 13 July 1952 Concerning the Extent of the Territorial Waters of the Republic, Article 1 (supra, Chapter I, under Dominican Republic (b))

Ecuador

Code of Criminal Procedure (1955 edition)

Article 3. The following persons shall be subject to criminal jurisdiction in Ecuador:

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1 Danmarks Lov 1665—1941, p. 1924; translation by the Secretariat of the United Nations.
3. Any person, whether a national of Ecuador or an alien who commits an offence aboard an Ecuadorian vessel or aircraft on the high seas, in the free air space, or in the waters or air space of the Republic;
4. Any person, whether a national of Ecuador or an alien, who commits an offence aboard an Ecuadorian vessel or aircraft in the waters or air space of other nations;
5. Any person, whether a national of Ecuador or an alien, who commits an offence aboard a foreign vessel or aircraft, other than a warship or military aircraft, in Ecuadorian waters or in the Ecuadorian air space; this provision shall not apply, however, in any case in which the offence does not affect Ecuador or its inhabitants in any way and does not disturb the peace;

El Salvador

NAVIGATION AND MARITIME ACT OF 27 OCTOBER 1933, ARTICLE 241
(supra, Chapter II, Section A, under El Salvador (a))

Ethiopia

MARITIME PROCLAMATION No. 137 OF 1953, SECTIONS 34, 35, 36, 40, 42-45 and 49 (supra, Chapter II, Section A, under Ethiopia)

France

AVIS DU CONSEIL D'ETAT DU 20 NOVEMBRE 1806

Le Conseil d'Etat, qui, d'après le renvoi à lui fait par Sa Majesté, a entendu le rapport de la section de législation sur celui du grand juge, ministre de La Justice, tendant à régler les limites de la juridiction que les consuls des Etats-Unis d'Amérique, aux ports de Marseille et d'Anvers, réclament, par rapport aux délits commis à bord des vaisseaux de leur nation étant dans les ports et rades de France;

Considérant qu'un vaisseau neutre ne peut être indéfiniment considéré comme lieu neutre, et que la protection, qui lui est accordée dans les ports français, ne saurait dessaisir la juridiction territoriale pour tout ce qui touche aux intérêts de l'Etat;
Qu'aussi le vaisseau neutre, admis dans un port de l'Etat, est, de plein droit, soumis aux lois de police qui régissent le lieu où il est reçu;
Que les gens de son équipage sont également justiciables des tribunaux du pays pour les délits qu'ils y commettent, même à bord, envers des personnes étrangères à l'équipage, ainsi que pour les conventions civiles qu'ils pourraient faire avec elles;
Mais que si, jusque-là, la juridiction territoriale est hors de doute, il n'en est pas ainsi à l'égard des délits qui se commettent à bord du vaisseau neutre, de la part d'un homme de l'équipage neutre envers un autre homme du même équipage;
Qu'en ce cas, les droits de la puissance neutre doivent être respectés, comme s'agissant de la discipline intérieure du vaisseau, dans laquelle

1 Bulletin des lois, 3e série, t. V, p. 602.
l'autorité locale ne doit pas s'ingérer, toutes les fois que son secours n'est pas réclamé ou que la tranquillité du port n'est pas compromis;

Est d'avis que cette distinction indiquée par le rapport du grand juge et conforme à l'usage est la seule règle qu'il convienne de suivre en cette matière;

Et appliquant cette doctrine aux deux espèces particulières pour lesquelles ont réclamé les consuls des États-Unis;

Considérant que, dans l'une de ces affaires, il s'agit d'une rixe passée dans le canot du navire américain le Newton entre deux matelots du même navire, et, dans l'autre, d'une blessure grave faite par le capitaine en second du navire la Sally, à l'un de ses matelots pour avoir disposé du canot sans son ordre;

Est d'avis qu'il y a lieu d'accueillir la réclamation et d'interdire aux tribunaux français la connaissance des deux affaires précitées.

Germany (Federal Republic)

(a) Criminal Code (as of 25 August 1953) ¹

Article 4. Application to aliens. (1) The German criminal law shall apply also to acts committed in Germany by aliens.

(b) Code of Criminal Procedure (as of 12 September 1950) ²

Article 153 (b). Non-prosecution in respect of offences committed abroad. The State Prosecutor's Office may refrain from prosecuting in respect of an offence.

(2) Committed by a foreign citizen abroad or within the country while on board a foreign vessel or aircraft.
(c) Act of 28 September 1935 Concerning the Investigation of Accidents at Sea

Chapter 1

Subject of Investigation

Article 1. Accidents at sea shall be investigated by the Admiralty Courts if such investigation is in the public interest.

Article 2. (1) An investigation may in particular be opened when:
1. A seagoing vessel has suffered structural or operational damage or has caused damage;
2. A person has suffered a serious physical injury or a serious impairment of health in connexion with the operation of a seagoing vessel, or has attempted to commit suicide.
(2) Within the limit of the territorial sea, an inland vessel shall be deemed to be a seagoing vessel.

Article 3. (1) An investigation shall be opened when:
1. In connexion with an accident at sea, a vessel has sunk or been abandoned;
2. In connexion with an accident at sea, there has been loss of life;
3. A vessel is missing;
4. The supreme Reich authority so orders.
(2) If the supreme Reich authority orders an investigation, the subject of the investigation shall be deemed to be an accident at sea.

Article 4. An investigation may be opened only with the approval of the supreme Reich authority if the seagoing vessel concerned:
1. Flies the German war ensign or is subject to naval procedure in respect of damage at sea;
2. Was flying a foreign flag at the time of the accident, and the accident took place outside German territory;
3. Has been removed from German jurisdiction.

(d) Code of Civil Procedure of 30 January 1877, as amended to 12 September 1950

Article 23. Jurisdiction in respect of property. In actions concerning claims in respect of economic rights instituted against a person not having a place


2 The war-time regulations of 7 June 1943 (RGBI. I, p. 348) and 4 December 1944 (RGBI. I, p. 334) for the simplification of administrative practices, by which the Act concerning the investigation of accidents at sea was amended in certain respects are for practical purposes regarded as irrelevant and no longer applicable. They will shortly be expressly repealed in connexion with the revision of the transport legislation.

3 The competent authority at present is the Federal Minister of Transport.

of habitual residence in the country the competent court shall be the court which has jurisdiction in the place where property of the defendant or the object claimed in the action is situated. In the case of an action for debt, the residence of the debtor and, if the debt is secured by a thing, also the place where the thing is situated shall be deemed to be the place where the property is situated.

Article 32. Jurisdiction in respect of civil wrongs. In actions arising out of civil wrongs the competent court shall be the court which has jurisdiction in the place where the wrongful act was committed.

Article 35. Choice of jurisdiction. If several courts are competent, the choice shall rest with the plaintiff.

Article 38. Jurisdiction agreed between the parties. A court of first instance which is not per se competent becomes competent in consequence of an express or implied agreement between the parties.

Guatemala

Penal Code (Act No. 2164 of 25 May 1936)

Article 6. The provisions of this Code shall apply, save as otherwise provided in international treaties in force in the Republic:

1. To Guatemalans or aliens committing offences in Guatemalan territory or on the high seas or in the free air space on board a Guatemalan vessel or aircraft.

2. To Guatemalans or aliens committing offences on board foreign merchant vessels or aircraft in Guatemalan ports or aerodromes or in the territorial waters or air space of the Republic, unless the offence is committed by a member of the crew against another member of the crew.

3. To a Guatemalan or alien member of the crew of a foreign vessel or aircraft committing an offence against a member of the same crew, if the assistance of the Guatemalan authorities is requested from aboard the vessel or aircraft, or if the peace of the port or the State is disturbed by the offence.

Article 7. When any of the persons referred to in paragraphs 1 and 2 of the foregoing article has been punished by a foreign court and has purged all or part of his sentence, due allowance shall be made therefor and the appropriate penalty commensurately reduced. Where any of the persons referred to in paragraphs 3, 4, 5 and 6 has been acquitted or punished by a foreign court and, in the latter case, purged the penalty, proceedings shall not be instituted in the Republic; if he has not purged the whole penalty,
proceedings shall be instituted in the Republic and due allowance shall be made for the portion of the penalty purged abroad and the appropriate penalty shall be commensurately reduced.

**Article 8.** The provisions of the foregoing two articles shall not apply:

1. To persons enjoying immunity under existing rules of international law, who shall, if they commit offences in Guatemalan territory, be delivered to their Governments;

2. When, in the cases referred to in paragraphs 5 and 6 of article 6, penal proceedings for an offence have been barred by lapse of time in conformity with Guatemalan law or the law of the country in which the offence was committed.

3. In the cases referred to in paragraphs 5 and 6 of article 6 the penalties prescribed by the foreign law shall be imposed, if less severe than those prescribed by Guatemalan law. In case of doubt, the court shall decide the matter in its discretion.

Honduras

DECREE No. 191 OF 9 APRIL 1935, ARTICLE 77 (supra, Chapter II, Section A, under Honduras (b))

Iran

LOI DU 24 TIR 1313 (19 JUILLET 1934) RELATIVE À LA LIMITE DES EAUX TERRITORIALES ET À LA ZONE DE SUPERVISION ET DE CONTRÔLE, ARTICLE 8 (supra, Chapitre I, Iran (a))

Israel

(a) NOTE OF 13 DECEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF ISRAEL

... As regards criminal jurisdiction within territorial waters, this is exercised by virtue of the following enactments:

(a) Section 6 of the Criminal Code Ordinance No. 74 of 1936 ... and Section 4 of the Criminal Procedure (Trial upon Information) Ordinance, 1924 ...

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1 In its reply of 24 January 1950 to questionnaires of the International Law Commission (Document A/CN.4/19, paragraphs 34 and 36), the Ministry for Foreign Affairs of Israel stated:

34. As for the exercise of criminal jurisdiction within territorial waters, the Palestine legislator followed the precedent established in the United Kingdom by the Territorial Waters Jurisdiction Act, 1878, and Section 6 of the Criminal Code Ordinance No. 74 of 1936 ... provides that the jurisdiction of the Courts of Palestine for the purposes of that Code extends to every place within Palestine or within three nautical miles (see supra, Chapter I, under Israel (a) ) of the coast thereof, measured from low water mark. The Criminal Procedure (Trial upon Information) Ordinance, 1924, ... makes provision for jurisdiction in cases of criminal offences committed within the territorial waters of Palestine, and Section 4 (1) provides that the Court having jurisd-
(b) Merchant Shipping Act, 1 Part XIII, Sections 684 and 685, which provide for the jurisdiction of Israel Courts over vessels lying off the coast of Israel and over all persons on board those vessels...

Civil or commercial jurisdiction is exercised by either the Maritime Court or the regular Civil Courts, and this according to the subject matter to be adjudicated upon. There are, however, causes of action for which there exists concurrent jurisdiction both of the Civil Courts and the Maritime Court which apply different sets of rules, but it is believed that, for the purposes of this Note, the following observations will clarify the situation with regard to civil or commercial jurisdiction.

Under the Palestine Admiralty Jurisdiction Order, 1937, the Supreme Court of Palestine exercised jurisdiction, as a Court of Admiralty, in all matters arising upon the high seas or elsewhere or upon any lake, river or other navigable inland waters or otherwise relating to ships or shipping. Since 1952, however, a Maritime Court, which is the District Court of Haifa, was substituted for the Supreme Court and, under Section 2 of the Maritime Court Law 5712-1952, all the powers which were vested in the Supreme Court before the coming into force of the Law, are henceforth vested in the District Court of Haifa.

These powers are mentioned in certain sections of the Colonial Courts of Admiralty Act, 1890 (see Section 2 (2) of the Palestine Admiralty Jurisdiction Order, 1937). The Act, in turn, invested the Palestine Admiralty Court, by reference [Sec. 2 (3)], with jurisdiction of a Vice-Admiralty Court under the Slave Trade Act, 1873. The Admiralty Court set up by the Order further held, in 1942... that it was invested by the Act with the jurisdiction exercised by the High Court of England in admiralty matters in 1890, the date of the Act, thus excluding jurisdiction acquired subsequently by the said Court. All the relevant Acts, Orders and Rules which were applicable in England in 1890 became applicable, therefore, in Palestine and subsequently in Israel, by operation of Section 11 of the Law and Administration Ordinance of 5708-1948 (Laws of the State of Israel, Vol. 1, 5708-1948, p. 7).

The relevant Acts, Orders and Rules, etc., applicable in Israel are, therefore, as follows:

Colonial Courts of Admiralty Act, 1890 (Sections 2 (2), (3), (4), 5, 6, 16 (3));
Admiralty Court Act, 1840 (Sections 3, 4, 6-9, 18, 20, 21 and 23);
Admiralty Court Act, 1861 (Sections 1-13, 16, 18, 21, 13-28, 30, 33-35);
Vice Admiralty Order, 1883;

...diction in a criminal case shall be the District Court of the district within the territorial waters adjacent to which the criminal act charged was wholly or in part committed.

"36. The Israel Courts will exercise jurisdiction over piracy wherever committed in accordance with section 78 of the Criminal Code Ordinance. This provides that any person who commits piracy or any crime connected with or relating or akin to piracy is guilty of a felony and is liable to imprisonment for life. The Ordinance does not contain any express definition of piracy. However, by virtue of Section 4 it is probable that in the absence of any other legislation the expression 'piracy' has the meaning attached to it in English law."

1 See infra, Chapter II, Section A, under United Kingdom (a).
Vice Admiralty Rules, 1883;
Order-in-Council establishing Rules for Appeals, 1865;
The Slave Trade Act, 1873;
Admiralty Offences (Colonial) Act, 1849 (Section 1, 3-6);
Admiralty Offences (Colonial) Act, 1860.

It should be added that the Maritime Court does not apply general civil law and where a cause of action falls under the competence of the civil Courts, these Courts apply the general civil law obtaining in the matter: law of contracts, civil wrongs law, labour law, property law including the Ottoman Maritime Commerce Code of 1863 and the Ottoman Code of Commerce, to the extent that they are still in force in Israel, etc. For the purposes of all this legislation, Israel includes the territorial sea by virtue of the Interpretation Ordinance, 1945. Mention should also be made of Section 688 of the Merchant Shipping Act, 1894 (Drayton, Laws of Palestine, Vol. III, p. 2558) which confers power to arrest in the territorial waters a foreign ship that has occasioned damage in any part of the world to any property belonging to the Government of Israel or to any Israel national.

(b) **Criminal Code Ordinance 1936, as amended**

*PART I. GENERAL PROVISIONS*

Chapter III. Territorial application of code

6. The jurisdiction of the courts of Israel for the purposes of this Code extends to every place within Israel or within three nautical miles (see *supra*, Chapter I, under Israel (a)).

(c) **Criminal Procedure (Trial upon Information) Ordinance, 1 September 1924**

3. The provisions of this Ordinance shall apply to the investigation and trial of all offences within the jurisdiction of a Court of Criminal Assize or of a district court.

*Jurisdiction*

4. (1) The Court having jurisdiction in a criminal case shall be the Court of Criminal Assize or the district court of the District within which or within the territorial waters adjacent to which the criminal act charged was wholly or in part committed.

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1 See *supra*, Chapter II, Section A, under United Kingdom (a).
3 By Section 15 (a) of the Law and Administration Ordinance No. 1 of 5708-1948.
1. The following section shall be added after section 2 of the Area of Jurisdiction and Powers Ordinance, 5708-1948:

"2A. Any vessel or aircraft, wherever situated, which is registered in Israel shall, for the purpose of the jurisdiction of the courts, be deemed to be a part of the area of the State of Israel."

**Italy**

(a) Navigation Code of 30 March 1942, articles 578-590, 1235 (supra, Chapter II, Section A, under Italy (a))

(b) Act No. 72 of 15 February 1950 concerning civil matters within the jurisdiction of port authorities: Increase in maximum value of subject matter

*Article 1.* For the purpose of jurisdiction of port authorities under Articles 589 and 603 of the Navigation Code, the maximum value of matters within their jurisdiction is hereby raised to 100,000 lire.

**Japan**

(a) Regulation concerning the functions of judicial police officials (Instruction of the Chief of the Criminal Affairs Bureau, Ministry of Justice), December, 1923

*Article 132.* Judicial police officials shall exercise their functions in regard to crimes committed on board foreign vessels in the territorial waters of the Empire in cases falling under any one of the following items:

1. Crimes disturbing the peace and order of the land and in ports of the Empire;

2. Crimes having connection with anyone other than the crews, and those having connection with a subject of the Empire.

In addition to the above cases, judicial police officials shall, when investigation is deemed specially necessary, report the facts to a public procurator for instructions.

*Article 133.* Judicial police officials shall, when it is deemed necessary to stop the navigation of a foreign vessel in the territorial waters of the Empire, immediately report the facts to a public procurator for instructions.

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1 Passed by the Knesset on the 2nd Adar, 5716 (14th February, 1956) and published in Sefer Ha-Chukkim No. 190 of the 11th Adar, 5716 (23rd February, 1956), p. 34; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 253 of 5716, p. 32. Text of Law provided by the Ministry for Foreign Affairs of Israel.


4 Text of Regulation provided by the Ministry for Foreign Affairs of Japan.
(b) LETTER FROM THE MINISTRY FOR FOREIGN AFFAIRS OF JAPAN TO THE FRENCH AMBASSADOR TO JAPAN DATED 26 AUGUST 1930

Japan does not follow the French principle, that is, it recognizes, subject to the laws in force, that the littoral State is entitled in the absence of a special agreement to the contrary, to exercise civil and criminal jurisdiction over foreign vessels and the persons on board foreign vessels in its ports...

Liban

CODE PÉNAL, ÉDICTÉ PAR LE DÉCRET LÉGISLATIF N° 340/NI DU 1ER MARS 1943

CHAPITRE II. DE L'APPLICATION DE LA LOI PÉNALE DANS L'ESPACE

I. De la compétence territoriale

Article 17. Sont assimilés au territoire libanais pour l'application de la loi pénale:
1. La mer territoriale jusqu'à vingt kilomètres du rivage comptés à partir de la laisse de basse mer;
2. L'espace aérien qui recouvre la mer territoriale;

Article 18. La loi libanaise ne s'applique pas:
1. En territoire aérien libanais aux infractions commises à bord d'un aéronef étranger, si elles ne dépassent pas le bord de cet aéronef; Néanmoins les infractions ne dépassant pas le bord de l'aéronef sont soumises à loi libanaise si l'auteur ou la victime est ressortissant libanais, ou si l'aéronef atterrit au Liban après que l'infraction a été commise.
2. Sur la mer territoriale libanaise ou dans l'espace aérien qui le recouvre, aux infractions commises à bord d'un navire ou d'un aéronef étranger si elles ne dépassent pas le bord de ce navire ou de cet aéronef;

Maroc

DAHIR DU 25 MARS 1922 PORTANT RÈGLEMENT SUR L'EXERCICE DE LA PÊCHE EN FLOTTE DANS LES EAUX TERRITORIALES DU MAROC, ARTICLES 22-24 (infra, Chapitre IV, Maroc (b))

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1 Text of Letter provided by the Ministry for Foreign Affairs of Japan.
Monaco
Ordonnance du 22 janvier 1891 sur la discipline maritime, articles 15-18, 47, 48 (supra, chapitre II, section A, Monaco (b))

Netherlands
Penal Code of 1 September 1886, as amended 1

Article 2. The Netherlands Penal Law applies to any person committing a criminal act within the Kingdom in Europe.

Note. For the applicability of this Code, the term “Kingdom in Europe” is understood to include the Netherlands territorial waters.

Surinam
Penal Code 2

Article 2. The provisions of the Surinam Penal Code shall apply to any person who commits a punishable act within Surinam.

Article 221. Any person through whose fault a vessel is sunk, stranded, destroyed, disabled or damaged shall be punished by:

1. Imprisonment or detention for a term not exceeding three months, or a fine not exceeding 300 guilders, if the life of another person is endangered by the occurrence;
2. Imprisonment or detention for a term not exceeding one year, if in consequence of the occurrence the death of any person ensues.

Article 473. If the master of a vessel flies the Netherlands flag, knowing that he has no authority to do so, he shall be punished with imprisonment for a term not exceeding one year or a fine not exceeding 300 guilders.

Article 474. Any master who, by displaying some distinguishing mark on his vessel, deliberately creates the impression that it is a Netherlands warship or Government-owned vessel, or a pilot-vessel on duty in Surinam waters or channels, shall be punished by imprisonment for a term not exceeding three months or by a fine not exceeding 300 guilders.

Article 559. A master or member of a crew who fails to observe the statutory precautions against collision or fouling shall be punished by a fine not exceeding 300 guilders.

Netherlands New Guinea
Territorial Sea and Maritime Districts Ordinance, 1939, article 12 (supra, chapter II, section A, under Netherlands New Guinea (a))

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1 English text of Article 2 of the Code was provided by the Permanent Representative of the Netherlands to the United Nations.
2. (1) In this Act—

"Foreign country" means a country which is not a Commonwealth country:

"Foreign ship" means a ship which is not a Commonwealth ship:

"Offence" means an offence for which the offender may be proceeded against by indictment; and includes any such offence which may be dealt with summarily under the Summary Jurisdiction Act 1952; and also includes an offence against section four or section five of the Police Offences Amendment Act (No. 2) 1952 (which relate to common assault and assaults on children and females respectively):

"Territorial waters", in relation to any country, means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the passing of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships.

4. (1) This Act applies with respect to any act done or omitted to be done by any person—

(a) Whether or not he is a British subject, within the territorial waters of New Zealand, although it may have been done or omitted on board or by means of a foreign ship;

(b) Whether or not he is a British subject, on board any Commonwealth ship on the high seas or on board any such ship within the territorial waters of any Commonwealth country other than New Zealand or of any foreign country;

(c) Being a British subject, on board any foreign ship (not being a ship to which he belongs) on the high seas or on board any such ship within the territorial waters of any Commonwealth country other than New Zealand.

(2) Where any person who belongs, or within three months previously has belonged, to any Commonwealth ship does or omits to do any act at any place beyond the limits of New Zealand, whether on shore or afloat, not being an act or omission to which this Act applies by virtue of subsection one of this section, and that act or omission would, if it took place within the limits of New Zealand, be an offence against property or persons, then this Act shall apply in respect of that act or omission in the same manner in all respects as if that act or omission had taken place on board a Commonwealth ship.

5. (1) Proceedings for the trial and punishment of any person who, not being a New Zealand citizen, is charged with having committed beyond the limits of New Zealand an offence on board or by means of any ship which is not a New Zealand ship or an offence to which subsection two of section

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1 Text of Act provided by the Ministry for External Affairs of New Zealand.
four of this Act applies shall not, by virtue only of the provisions of this Act, be instituted in any Court, except with the consent of the Attorney-General, and on his certificate that it is expedient that the proceedings should be instituted:

Provided that a person charged with any such offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) On the hearing of the charge in respect of any such offence against any person who is not a New Zealand citizen it shall not be necessary to aver in the indictment or information in respect of the offence that the consent of the Attorney-General as is required by subsection one of this section has been given; and the production of a document purporting to be signed by the Attorney-General, and containing such a consent and certificate, shall be sufficient evidence for all the purposes of this section of the consent and certificate required by this section.

6. (1) Nothing in section three or section four or section five of this Act shall be construed to affect or prejudice any jurisdiction conferred by any Act of the Parliament of England or of Great Britain or of the United Kingdom which has effect as part of the law of New Zealand, or by any Act of the New Zealand Parliament, or now by law existing, in relation to matters arising within the limits or territorial waters of New Zealand or elsewhere.

(2) Nothing in this Act shall apply with respect to any offence under the Shipping and Seamen Act 1952.

Note. See also: Shipping and Seamen Act of 1952, Parts VIII, XV and XVI (supra, Chapter II, Section A, under New Zealand (a))

Nicaragua

Penal Code

Article 11. Nicaraguan penal law shall apply to all inhabitants of the Republic, including aliens, save as otherwise provided under international law. Crimes and petty offences (delitos y faltos) committed in territorial and adjacent waters shall be subject to the provisions of this Code.

Article 13. The following persons shall be punished in accordance with this Code:

2. A master, passenger or member of the crew of a Nicaraguan merchant vessel who commits a crime or petty offence on the high seas or in the

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1 Código Penal de la República de Nicaragua, anotado y comentado por el Dr. Manuel Escobar h., Edición Oficial con todas sus reformas, Managua, Nicaragua, Centro América, 1950. Translation by the Secretariat of the United Nations.
territorial waters of a foreign nation, provided that in the latter case the offender has not been tried and sentenced by the authorities of the nation in which the offence was committed.

*Article 14.* The cases referred to in paragraph 2 of the foregoing article shall not be tried in the courts of the Republic unless the offender comes to Nicaraguan territory or is apprehended by the Nicaraguan authorities.

**Norway**

(a) *General Criminal Code, 22 May 1902, as amended* ¹

*Article 12.* In the absence of any specific provisions or any agreement concluded with a foreign State to the contrary the Norwegian Penal Code shall apply to any act committed:

1. Within the Kingdom, which shall include any Norwegian vessel on the high seas;
2. On a Norwegian vessel, wherever it may be, by a member of the crew or by any other person aboard the vessel;

(b) *Code of Criminal Procedure, 1 July 1877, as amended by Law No. 12 of 22 May 1902* ²

*Article 136.* An offence shall be tried in the jurisdiction where it was committed or, in case of doubt, in one of the jurisdictions where it is presumed to have been committed.

An offence committed on board a Norwegian ship situated abroad or on the high seas shall be prosecuted in the jurisdiction where the ship is registered or where it first puts in or where investigation is first commenced.

If there is no such jurisdiction or a trial there would entail material inconvenience for the accused or witnesses, the offence may be prosecuted in the place of domicile or, in default thereof, in the place of residence of the accused.

**Pakistan**

(a) *Penal Code, Act No. XLV of 1860* ³

3. *Punishment of offences committed beyond, but which by law may be tried within, Provinces, etc.* Any person liable, by any Pakistan Law, to be tried for an offence committed beyond the Provinces and the Capital of the Federation shall be dealt with according to the provisions of this Code for

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³ Text provided by the Permanent Mission of Pakistan to the United Nations.
any act committed beyond the Provinces and the Capital of the Federation in the same manner as if such act had been committed within the Provinces and the Capital of the Federation.

4. Extension of Code to Extra-territorial offences. The provisions of this Code apply also to any offence committed by:
   (1) Any British subject domiciled in Pakistan in any place without and beyond the Provinces and the Capital of the Federation;
   (2) Any other British subject within the territories of any Acceding State or the tribal areas;
   (3) Any servant of the Queen, whether a British subject or not, within the territories of any Acceding State or the tribal areas;
   (4) Any person on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be.

Explanations. In this section the word “offence” includes every act committed outside the Provinces and the Capital of the Federation which, if committed in the Provinces and the Capital of the Federation, would be punishable under this Code.

(b) Code of Criminal Procedure, Act No. V of 1898

188. Liability of British subjects for offences committed out of the Provinces, etc. When a British subject domiciled in Pakistan commits an offence at any place without and beyond the limits of the Provinces and the Capital of the Federation, or
   When any British subject commits an offence in an Acceding State or tribal area, or
   When a servant of the Queen (whether a British subject or not) commits an offence in an Acceding State or tribal area, or
   When any person commits on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be,
   He may be dealt with in respect of such offence as if it had been committed at any place within the Provinces and the Capital of the Federation at which he may be found.

Note. See also: Territorial Waters Jurisdiction Act of 1878 (infra, Chapter II, Section B, under United Kingdom (a)); Merchant Shipping Act of 1923, part VI (supra, Chapter II, Section A, under Pakistan).

Peru

Port Authorities and National Mercantile Marine Regulations of 1 January 1952, articles 31, 345-347 (supra, Chapter II, Section A, under Peru)

1 Text provided by the Permanent Mission of Pakistan to the United Nations.
2 Act in force in Pakistan.
Philippines

JUDICIARY ACT (REPUBLIC ACT NO. 296) OF 17 JUNE 1948

Section 44. Original jurisdiction—Courts of first instance shall have original jurisdiction.

(g) Over all crimes and offences committed on the high seas or beyond the jurisdiction of any country, or within any of the navigable waters of the Philippines, on board a ship or water craft of any kind registered or licensed in the Philippines in accordance with the laws thereof. The jurisdiction herein conferred may be exercised by the Court of first instance in any province into which the ship or water craft upon which the crime or offence was committed shall come after the commission thereof: Provided, That the court first lawfully taking cognizance thereof shall have jurisdiction of the same to the exclusion of all other courts in the Philippines; . . . .

Poland

PENAL CODE, ENACTED BY PRESIDENTIAL DEGREE OF 11 JULY 1932

Article 3. (1) Polish penal law applies to all persons who commit offences in the territory of the Polish State or on board a Polish vessel or aircraft. The territory of the State shall be deemed to include inland and coastal waters and the airspace above the territory.

(2) An offence shall be deemed to have been committed in the territory of the Polish State, or on board a Polish vessel or aircraft, if the criminal act or omission took place therein, or if the criminal effect was produced or was intended by the offender to be produced there.

Romania

(a) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1936 AS AMENDED

Article 22. In case of an offence committed on board a Romanian vessel, the court of the first Romanian port at which the vessel calls after the commission of the offence shall be competent.

The court of the first Romanian port at which the vessel calls shall be competent in respect of any offence committed by the crew of a foreign

2 Dziennik Ustaw, 1932, No. 60, c. 571, pp. 1153-1154. Translation by the Secretariat of the United Nations.
4 Text of Amendment provided by the Permanent Mission of the People's Republic of Rumania to the United Nations.
merchant vessel in the circumstances set forth at the end of paragraph 3 of Article 7 and in cases covered by paragraph 8 of Article 11 of the Penal Code.

An offence committed on a Romanian aircraft shall be within the jurisdiction of the court of the place where the aircraft lands if such place is situated in the country; if it is situated abroad, the offence shall be within the jurisdiction of the Romanian court of the place where the airport of registry of the aircraft is situated.

An offence committed by the crew of a foreign commercial aircraft in the circumstances set forth in the last part of paragraph 3 of Article 7 of the Penal Code shall be within the jurisdiction of the Romanian court of the place where the aircraft lands if such place is situated in the country; if it is situated abroad, the offence shall be within the jurisdiction of the Romanian court of the place where the airport of registry of the aircraft is situated.

(b) PENAL CODE OF 18 MARCH 1936 as amended

CHAPTER II. TERRITORIAL APPLICATION OF CRIMINAL LAW

Section 1. Offences committed in Romania

Article 6. Any criminal act committed in Romanian territory is punishable in accordance with the provisions of Romanian penal law.

Romanian penal law likewise applies to criminal acts committed on or over Romanian territory, within the limits of the territorial seas or inland waters, or on board a Romanian ship or aircraft.

A criminal act is deemed to have been committed in Romania if the act of commission or omission, or merely a part of the act, was begun or completed in Romanian territory or if the criminal act produces its effect in Romanian territory.

Article 7. Romanian penal law does not apply:

(1) To persons immune from criminal liability by virtue of treaties or the rules of international law;

(2) To the crews of foreign merchant vessels with respect to criminal acts committed on board while the vessel is in territorial waters or in a Romanian port, or to the crews of foreign aircraft in flight over Romanian territory or present in that territory in virtue of a special authorization by the Romanian Government, except in cases where the criminal act was committed against a Romanian or has disturbed the peace and public order of the territory, or when the master of the vessel has applied to the Romanian authorities for assistance.

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Sweden

PENAL CODE OF 16 FEBRUARY 1864, AS AMENDED ¹

CHAPTER 1

Persons to whom Swedish criminal law applies

Article 1. A Swedish national shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or committed outside the Kingdom against Sweden or a Swedish national, or for any other offence committed outside the Kingdom if his Majesty decrees that such offence may be prosecuted within the Kingdom.

An offence shall be deemed to have been committed at the place where the criminal act took place or the offence was completed, or, in the case of an attempt, where the intended offence would have been completed.

Article 2. An alien within the Kingdom shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel outside the Kingdom, and for any offence committed by him outside the Kingdom against Sweden or a Swedish national if his Majesty decrees that such offence may be prosecuted within the Kingdom.

In respect of an offence governed by international law (folkriittsbrott) an alien shall likewise in other circumstances be judged according to Swedish law and before a Swedish court if his Majesty decrees that proceedings may be instituted.

Union of South Africa

TERRITORIAL WATERS JURISDICTION ACT, 1878 ²

Note. See also: Sea Fisheries Act No. 10 of 1940, sections 3 and 10 (infra, Chapter IV, under Union of South Africa (a)).

South West Africa

Sealing and Fisheries Ordinance No. 12 of 1949, section 1 (infra, Chapter IV, under South West Africa).

¹ Text of Code and Amendment thereto, provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
² See infra, Chapter II, Section B, under United Kingdom (a). According to the Note of 9 January 1956 from the Permanent Mission of the Union of South Africa to the United Nations, this Act is applicable in that country.
VI. Investigation of casualties and accidents to foreign ships in USSR waters

36. Under these Regulations, the following casualties and accidents to foreign ships, occurring in the territorial or harbour waters of the USSR shall be investigated:

(a) Collisions of ships (including collisions between a moving ship and a stationary one);
(b) Collisions of ships with a shore or floating installation;
(c) Stranding on a shoal;
(d) Running aground;
(e) Fire or explosion aboard a ship;
(f) Any other casualty to a ship or its cargo resulting in the loss of or in damage to a ship or its cargo, or in loss of life or serious personal injury;
(g) Other accidents, where an investigation is requested by the master of the ship, the shipowners, or the consul of the country under whose flag the vessel is sailing.

Casualties and accidents to foreign ships occurring outside the territorial or harbour waters of the USSR shall likewise be investigated, if they have resulted in the death or injury of citizens of the USSR, or in damage to the property of the Soviet State or of Soviet citizens or legal entities.

37. Any shipping casualty referred to in paragraph 36 of these Regulations occurring in USSR territorial or harbour waters must be reported at the first opportunity by the master of a Soviet ship, the master of a foreign ship or any other person having intelligence thereof to the harbour-master of the maritime port (Arctic port, fishing port) nearest the scene of the casualty, who shall take all necessary measures, in particular, to render assistance to any persons in distress, and, where necessary, to ensure safety of navigation at the scene of the casualty. Assistance to foreign ships must be rendered in full conformity with articles 163-174 of the Merchant Shipping Code and with other statutory provisions.

38. Casualties to foreign ships in USSR territorial or harbour waters shall be investigated by the harbour-masters of maritime ports (Arctic ports).

39. Investigations into shipping casualties shall as a general rule be held in the port at which the ship has arrived or has been brought after the casualty, or in the port nearest the scene of the casualty. The investigation shall be held immediately on receipt of the report of the casualty.

40. The harbour-master of the maritime port (Arctic port) shall institute an investigation into a casualty referred to in paragraph 36 of these Regulations of his own motion or at the request of the master of the ship to which

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1 Approved by the Procurator-General of the USSR and the Ministry of the Navy and promulgated by Order No. 185 of the Ministry of Shipping, dated 29 March 1952. Text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.
the casualty has occurred, of any other persons, of the crew of the ship, the
shipowners, the charterers or the underwriters.

41. The harbour-master of the maritime port (Arctic port) shall inform
the Ministry of Shipping by telegram that the investigation has been opened.
He shall simultaneously inform the Casualties Officer of the State Insurance
Institute.

42. If the investigation of the casualty brings to light any indication of
foul play, the harbour-master of the maritime port (Arctic port) shall
shall immediately inform the Procurator.

43. A ship to which a casualty has occurred may be detained only in
the cases and in accordance with the procedure specified in articles 239 and
240 of the Merchant Shipping Code of the USSR and in paragraph 4 of
the Order of the Labour and Defence Council of 10 April 1931 concerning
the rights and duties of harbour-masters of the maritime trade ports of
the USSR.

44. A copy of the casualty investigation report shall be forwarded by the
harbour-master of the maritime port (Arctic port) to the Ministry of
Shipping.

45. Interested organizations or persons may appeal to the Minister of
Shipping against the decision of the harbour-master of the maritime port
(Arctic port) concerning the casualty within two months after receipt of the
decision. They shall be informed of the final decision on the matter.

46. Travel expenses connected with the investigation and the costs of
analyses and expert advice shall be borne by the shipowners. In the case
of a casualty involving more than one ship, the costs shall be assigned in
proportion to the liability for the casualty.

Note: The Merchant Shipping Code of the USSR referred to in the
text was confirmed by Order of the Central Executive Committee and the
Council of People's Commissars of the USSR of 14 June 1929 (Sobranie
Zakonov, 1929, No. 14, page 365; see also Sobranie Zakonov, 1929, No. 41,
page 366; 1930, No. 49, page 519, No. 58, page 615, No. 59, page 624;
1931, No. 2, page 30, No. 32, page 349, No. 8, page 87, No. 9, page 108,
No. 56, page 364; 1932, No. 24, page 149; 1933, No. 53, page 310; 1934,
No. 1, page 10, No. 24, page 184, No. 28, page 219; 1935, No. 1, page 6;
For the Order of the Labour and Defence Council of 10 April 1931
referred to in the text, see Sobranie Zakonov, 1931, No. 22, page 186.

(b) Penal Code of the RSFSR

Article 75 (1). Any contravention outside harbour waters of the regulations
established by law or by order of the competent authorities concerning
the prevention of collisions at sea and measures for the protection of sub-

1 Adopted at the second session of the XIIth All-Union Central Executive
Committee and brought into force with effect from 1 January 1927 by the Order
of the All-Union Central Executive Committee of 22 November 1926 (Sobranie
Uzakonien, No. 80, p. 600). Text provided by the Permanent Mission of the
Union of Soviet Socialist Republics to the United Nations. Translation by the
Secretariat of the United Nations.
marine telegraph cables and other regulations governing maritime navigation, shall, if it does not constitute a breach of duty (service regulations) be punishable by a fine not exceeding 300 roubles or, if it has had serious consequences, by deprivation of liberty for a period not exceeding three years or a fine not exceeding 3,000 roubles (25 June 1929), \(\text{(Sobranie Uzakoniemy, No. 50, p. 513).}\)

Article 75 (1). Any contravention of the established regulations for the use of radio equipment both on USSR and on foreign vessels in waters of the USSR shall be punishable by deprivation of liberty for a period not exceeding two years or a fine not exceeding 10,000 roubles (15 February 1931, \textit{Sobranie Uzakoniemy, No. 9, p. 104}).

Article 86

The act of engaging in fishing, hunting or any other aquatic industry in seas, rivers or lakes of national importance without the proper permission or during the closed season or in prohibited areas or with prohibited implements, means or methods shall be punishable by deprivation of liberty or correctional labour for a period not exceeding one year or a fine not exceeding 500 roubles and compulsory seizure of the unlawfully taken catch in all cases and optional seizure of the fishing or hunting implements and of the vessels used in the unlawful industry, together with all their equipment.

United Kingdom of Great Britain and Northern Ireland

\(\text{(a) Territorial Waters Jurisdiction Act, 1878}^{2}\)

\textit{An Act to regulate the law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of Her Majesty's Dominions.}

Whereas the rightful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions;

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

2. Amendment of law as to jurisdiction of the Admiral. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence

\(^1\) Adopted at the second session of the XIIth All-Union Central Executive Committee and brought into force with effect from 1 January 1927 by the Order of the All-Union Central Executive Committee of 22 November 1926 \(\text{(Sobranie Uzakoniemy, No. 80, p. 600).}\) Text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.

within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

3. Restriction on institution of proceedings for punishment of offence. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

4. Provisions as to procedure. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

5. Saving as to jurisdiction. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

6. Saving as to piracy. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law, or custom relating thereto.

7. Interpretation. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them; (that is to say,)

"The jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the
United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer;

"United Kingdom " includes the Isle of Man, the Channel Islands, and other adjacent islands;

"The territorial waters of Her Majesty's dominions ", in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

"Governor ", as respects India, means the Governor General . . . ; (and, as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term " Governor ";

"Offence ", as used in this Act means an act neglect or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force;

"Ship " includes every description of ship, boat, or other floating craft; " Foreign ship " means any ship which is not a British ship.

(b) SalmoN AND FreshWATER FisherIES Act, 1923

PART IX. LEGAL PROCEDURE AND EVIDENCE

Legal Procedure

75. (1) Any offence against this Act committed on the sea-coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction, shall be deemed to have been committed in any place abutting on such sea-coast or adjoining such sea, and may be tried and punished accordingly.

(2) Proceedings against any person contravening any of the provisions of this Act may be instituted before a court of summary jurisdiction in any place where the fish in respect whereof the proceedings are taken or the person charged may be found.

Note. See also: Merchant Shipping Act of 1894, Parts VI, IX, XIII (supra, Chapter II, Section A, under United Kingdom (a)); Queen's

1 13 & 14 Geo. 5, Ch. 16. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
Regulations and Admiralty Instructions, 1953 (supra, Chapter II, Section A, under United Kingdom (c)); and the two Orders in Council affecting a member of Colonial territories (infra, Chapter V, under United Kingdom (a) and (b)).

Tanganyika

Shipping Ordinance, 29 October 1937, Parts II and V (supra, Chapter II, Section A, under Tanganyika)

Trinidad

(a) Harbours Ordinance, 7 October 1880, sections 7, 51, 54 (supra, Chapter II, Section A, under Trinidad (a));

(b) Fisheries Ordinance, 11 December 1916, section 7 (infra, Chapter IV, under Trinidad).

United States of America

Criminal Code of 1948

Section 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

Section 2274. Destruction or misuse of vessel by person in charge

Whoever, being the owner, master or person in charge or command of any private vessel, foreign or domestic, or a member of the crew or other person, within the territorial waters of the United States, willfully causes or permits the destruction or injury of such vessel or knowingly permits said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or any offense in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States; or knowingly permits such vessels to be used in violation of the rights and obligations of the United States under the law of nations, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In case such vessels are so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws.

Note. See also: Offenses Against Neutrality, Criminal Code of 1909 (infra, Chapter V, under United States of America (e)).

Yugoslavia

(a) Penal Code of 2 March 1951

Article 91. (1) Any person who commits a criminal offence within the territory of the Federal People's Republic of Yugoslavia shall be punishable under the criminal law of the Federal People's Republic of Yugoslavia.

(2) Any person who commits a criminal offence on board a Yugoslav merchant ship or passenger aircraft on or over the high seas, or on board a Yugoslav warship or military aircraft, shall be punishable under the criminal law of the Federal People's Republic of Yugoslavia regardless of the place where the offence was committed.

Article 94. (1) An alien who commits a criminal offence against the People's Republic of Yugoslavia or against any of its citizens shall be punishable under the criminal law of the Federal People's Republic of Yugoslavia even if the offence was committed outside Yugoslav territory provided that the minimum mandatory penalty prescribed in respect of such offence is a sentence of imprisonment, the offence is not one of those specified in article 92 of this Code and the offender is apprehended within Yugoslav territory or is extradited to Yugoslavia.

(2) An alien who commits a criminal offence against a foreign State or against a foreign national shall be punishable under the criminal law of the Federal People's Republic of Yugoslavia even if the offence was committed on foreign territory, provided that pursuant to Yugoslav criminal law such offence is punishable by rigorous imprisonment or by a more severe penalty and the offender is apprehended within Yugoslav territory and is not extradited to the foreign State. In such a case, the court may not impose a more severe penalty than the penalty prescribed by the law of the State in which the offence was committed.

Article 99. (4) The term "the territory of the Federal People's Republic of Yugoslavia" includes coastal waters and the air-space above all Yugoslav land and water territory.

(b) Regulation concerning jurisdiction in maritime offences

Article 1. Administrative penal proceedings for offences committed in violation of any provisions contained in statutory instruments which deal with the sea, ships, coasts and harbours and are designed to ensure the efficiency of maritime communications, the safety of shipping and the protection of human life at sea shall be conducted, in the first instance, by the following:

(1) By the director of the competent port authority, if the offence is attributable to a water-borne craft or to the charterer, owner or master of any such craft or to any other person engaged in navigation or in a technical service connected therewith; or
(2) by the court of summary jurisdiction, if the offence is attributable to any person not covered by the preceding paragraph.

Any person aggrieved by the decision of a director of a port authority may appeal to the authority immediately superior to such director.
Chapter III

LEGAL REGIME CONCERNING WARSHIPS IN THE TERRITORIAL SEA

Belgique

RÈGLEMENT DU 30 DÉCEMBRE 1923 CONCERNANT L'ADMISSION DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES EAUX ET PORTS DU ROYAUME,¹ MODIFIÉ PAR ARRÊTÉ ROYAL DU 28 OCTOBRE 1936²

Dispositions générales relatives au temps de paix

Article 1er. Le terme « bâtiment de guerre » doit être considéré comme s'appliquant non seulement à tous les bâtiments de guerre désignés comme tels au sens admis de ce terme, mais également aux navires auxiliaires de toutes sortes.

Article 2. En temps de paix, les bâtiments de guerre appartenant à des Puissances étrangères reconnues par la Belgique peuvent entrer librement dans les ports belges de la mer du Nord et mouiller dans la partie des eaux territoriales situées à moins de trois milles marins de la côte, pourvu que le nombre de ces bâtiments portant le même pavillon, en y comprenant ceux qui se trouveraient déjà dans cette zone ou dans un port, ne soit pas supérieur à trois.

Sauf dans les cas prévus à l'article 5, les visites doivent toujours être précédées d'une notification. Cette notification doit être transmise par la voie diplomatique habituelle, de façon à parvenir, si les circonstances le permettent, au moins sept jours avant la date de la visite projetée.

Article 3. Les bâtiments de guerre étrangers ne peuvent entrer dans les eaux belges de l'Escaut, mouiller en rade d'Anvers, ou pénétrer dans les eaux intérieures du Royaume sans avoir obtenu l'autorisation du Ministre des affaires étrangères.

Si elle n'a pas été obtenue préalablement par la voie diplomatique, cette autorisation sera demandée par l'entremise du service du pilotage belge des bouches de l'Escaut, qui transmettra la décision au commandant du navire.

Article 4. Les bâtiments de guerre étrangers, à moins d'une autorisation spéciale du Gouvernement, ne peuvent séjourner pendant plus de quinze jours dans les eaux territoriales et ports belges.

Article 5. La défense de faire entrer ou mouiller librement plus de trois bâtiments de guerre portant le même pavillon dans la zone fixée par l'article

¹ British and Foreign State Papers, 1923, vol. CXVIII, p. 43 et suiv.
² Moniteur belge du 8 janvier 1937, p. 110.
2, ainsi que les dispositions de l'article 3 et du § 1er de l'article 4, ne s'appliquent pas:

1) Aux bâtiments de guerre dont l'admission a été autorisée par la voie diplomatique;

2) Aux navires à bord desquels se trouve soit un chef d'État, soit un prince d'une dynastie régnante, soit un agent diplomatique accrédité auprès du Roi ou du Gouvernement;

3) Aux bâtiments de guerre qui sont contraints de relâcher pour cause d'avaries, de gros temps ou autres causes de force majeure;

4) Aux navires chargés de la surveillance des pêcheries de la mer du Nord, conformément à la Convention des pêcheries de la mer du Nord. Ces gardes-pêche sont tenus d'exhiber, à l'approche des eaux territoriales, le signe distinctif qui leur a été attribué par la Convention internationale.

Article 6. Les bâtiments de guerre étrangers ne sont pas soumis à l'obligation de prendre un pilote pour naviguer dans les eaux belges, mais ils doivent se conformer à tous autres règlements relatifs au mouillage et à la navigation dans les eaux belges.

Il est interdit aux bâtiments de guerre étrangers, se trouvant dans les eaux belges, de faire des relevés de terrains, des sondages, des exercices de débarquement ou de tir, ainsi que de faire, sans autorisation, aucun travail sous-marin exécuté avec ou sans scaphandrier.

Les sous-marins étrangers ne pourront, en aucun cas, s'immerger dans les eaux territoriales ou entrer immédiatement dans les eaux territoriales.

Les embarcations qui circuleront dans les ports et les eaux territoriales ne pourront être armées.

Aucun bâtiment de guerre étranger ne pourra mettre à exécution une sentence de mort dans les eaux territoriales.

Article 7. Les commandants de bâtiments de guerre étrangers sont tenus d'observer les lois et les règlements concernant la police, la santé publique et les impôts et taxes, à moins d'exceptions établies par des conventions particulières ou par des usages internationaux.

Article 9. Dans le cas où un bâtiment de guerre étranger ne se conforme pas aux règles édictées par le présent arrêté, l'administration de la marine ou l'autorité militaire locale attirera d'abord l'attention de l'officier commandant sur la contravention commise et l'invitera formellement à observer les règlements.

Si cette dernière démarche échoue l'autorité militaire territoriale pourra inviter le bâtiment de guerre étranger à quitter immédiatement le port ou les eaux territoriales.

Dispositions diverses

Article 11. Les dispositions qui précèdent ne s'appliquent pas en temps de guerre ou de mobilisation, ou lorsque la crainte d'une guerre, le respect
de la neutralité, ou toute autre considération dont le Gouvernement belge sera seul juge, l’obligerait d’en suspendre les effets.

Note. Voir également le Règlement relatif aux pavillons, honneurs et visites en usage dans la marine belge, modifié par l’arrêté royal du 12 mai 1938 (Moniteur belge, 30 juin 1938, p. 3687).

Brazil

REGULATIONS GOVERNING VISITS BY FOREIGN WARSHIPS TO BRAZILIAN PORTS AND TERRITORIAL WATERS IN TIME OF PEACE, ANNEXED TO DECREE N° 24063 OF 29 MARCH 1934

Article 1. Visits by foreign warships to ports or the territorial waters of the United States of Brazil in time of peace shall be regarded as:
(1) Official; or
(2) Non-official.

A visit shall be considered official if specifically designated as such by the foreign Government concerned in the relevant communication addressed to the Brazilian Government through the diplomatic channel, or if made at the invitation of the Brazilian Government. Such a visit shall be governed by an official programme in which all matters relating to the entry, stay and departure of the visiting ships with regard to Brazilian waters shall be set out in detail.

A visit shall be considered non-official if not specifically designated as official in the relevant communication addressed by the foreign Government concerned to the Brazilian Government. Such a visit shall involve only the exchange of salutes required by international maritime ceremonial and the protocol visits.

(1) A warship putting in at a Brazilian port by reason of force majeure shall not be considered to be visiting unless the accredited diplomatic mission in Brazil of the country to which the ship belongs declares in a regular communication that the ship is on a non-official visit. In any event, the international maritime ceremonial shall be observed and the official protocol visits exchanged, and any visits made by the commanding officer of the foreign ship shall be reciprocated.

(2) If a foreign warship which is en route to another country and has on board a foreign chief of State or his representatives puts in at a Brazilian port, the Brazilian Government, on being notified of these circumstances through the diplomatic channel, shall arrange for such courtesies to be paid to the visitors as the unexpected nature of the visit permits.

Article 2. Advance notice of a non-official visit shall be given to the Brazilian Government by the State to which the visiting ships belong and shall specify the calls which the ships propose to make at Brazilian ports.

(1) The notice shall be given not less than seven days before the date of arrival of the ships at the first Brazilian port, and shall specify:
(a) The number of visiting warships;
(b) The name and class of each ship;

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The name and rank of the commanding officer of each ship, if possible;  
(d) The probable dates of arrival and departure of the ships in the case of each Brazilian port;  
(e) The number and types of the aircraft, if any, carried on board.  
(2) If aircraft intended to carry out flights over the Brazilian land domain and territorial waters are carried on board, the notice shall state this fact and also specify:  
1. The purpose, the points of departure and arrival and the route of the flight in Brazilian territory;  
2. The number, type and identification marks of the aircraft;  
3. The points in Brazilian territory at which the aircraft desire to land;  
4. The number and ranks of the crew members of each aircraft, including the name of the commanding officer.  
(3) A request for authority to carry out a flight as aforesaid may also be made after the ships carrying the aircraft arrive in a Brazilian port, and in such case the procedure prescribed by article 12 of these regulations shall be observed.  
(4) Notice shall not be required if:  
(a) A foreign chief of State, a member of a ruling dynasty or an ambassador or special envoy to the Brazilian Government is travelling on board the visiting warship;  
(b) The entry into a Brazilian port is due to damage, stress of weather or other emergency.  

Article 3. Not more than three warships of the same nationality may be admitted to the same Brazilian port at one time; no warship so admitted may remain longer than three weeks, that is to say twenty-one days, in the same Brazilian port; and every warship shall wear its national flag from the time of its entry into Brazilian territorial waters.  
(1) If one or more warships of any nationality whatsoever are compelled by damage or some other emergency to enter the same Brazilian port, no restriction shall be placed on their number until the emergency which compelled their entry has ceased, but the commanding officers of the ships so entering shall arrange for the necessary repairs to their ships to be effected immediately and with the greatest possible speed, having regard to the provisions of these regulations.  
(2) Apart from the circumstances provided for in the preceding paragraph, no more than three warships of the same nationality may be admitted to the same Brazilian port or remain there beyond three weeks, that is to say twenty-one days, unless the Government of the country to which the visiting warships belong applies to the Brazilian Government, through the diplomatic channel, for a special authorization and specifies in the application the number of warships intending to enter the port and the intended duration of their stay.  
(3) During their stay in Brazilian ports and territorial waters, foreign warships shall be subject to the present regulations and shall comply with the Brazilian sanitary and port regulations.  
(4) In the event of an offence against the present regulations or the other regulations referred to in the preceding paragraph, the commanding officer of the Brazilian Navy most senior in rank or length of service who is present in the port or, if senior in rank or length of service to the aforesaid
commanding officer, the harbour-master of the Brazilian port at which the offence occurred shall draw the attention of the visiting party to the said offence. If the offender does not duly heed the officer who draws attention to the offence, that officer shall then bring the facts to the knowledge of the Ministry of Marine through the authority immediately superior to him and shall await instructions concerning the procedure to be adopted with respect to the offender.

**Article 4.** The entry, stay and departure of belligerent warships with regard to Brazilian ports and territorial waters shall not be subject to these regulations but shall be governed by special provisions.

**Article 5.** For the purposes of these regulations, the term "warship" means:

(a) A ship which is an actual combat unit of the armed forces of the nation whose flag it wears;

(b) An auxiliary ship which although not a combat ship, is intended exclusively for naval service, is a unit of the Navy, and is manned by a naval crew and under the command of officers and a commanding officer in the active service of the Navy of the nation to which it belongs;

(c) An auxiliary ship, which, although adapted to naval service, was not built exclusively for that purpose, is a unit of the Navy and is under the command of an officer of the Navy of the nation to which it belongs.

Sole paragraph. A ship which formerly belonged to the merchant marine but has been adapted for naval service shall, in respect of Brazilian ports and territorial waters, be regarded as a warship by the Brazilian Government only if the nation to which the ship belongs notifies the Brazilian Government of the ship's new status and declares that in such status the ship will be under the command of an officer of its Navy and will no longer engage in trading operations.

**Article 6.** A foreign warship which while in a Brazilian port engages in trading operations without being authorized to do so by the Brazilian Government shall forfeit the privileges which it would enjoy in the special status of a warship and shall be subject to all the obligations to which merchant ships are normally subject under the relevant regulations.

**Article 7.** In no case may a foreign submarine enter a Brazilian port or Brazilian territorial waters while submerged, nor may it submerge when in such a port or such waters.

. . .

**Article 12.** Aircraft belonging to foreign warships present in Brazilian ports or territorial waters may not fly over Brazilian land or waters unless authorized to do so.

(1) For the purposes of these regulations, the term "aircraft" means any apparatus capable of rising and moving about in the air; the term "military aircraft" means any aircraft which, in addition, meets the specifications laid down by the military organization of the country to which it belongs and is commanded by a duly-qualified military flying officer.

(2) If a request for the authorization referred to in this article has not already been made in pursuance of article 2, paragraphs (2) and (3), of these regulations, it shall be addressed to the Ministry of Marine and shall contain the particulars called for in the aforesaid article 2, paragraph (2), items 1 to 4.
(3) Except in case of force majeure, the route taken by an aircraft may not be altered except under a new authorization issued in pursuance of a new request.

(4) Aircraft authorized to fly over the Brazilian land domain and territorial waters may not fly over or land in a prohibited area as designated in the relevant Brazilian regulations. Such areas shall be specified in the flight authorizations. In no case shall such aircraft act in contravention of the laws and regulations in force.

Article 15. Foreign warships in Brazilian territorial waters, whether at sea or at their anchorages, may use wireless telegraphy equipment without special authorization on condition that the transmission is limited to frequencies below 125 Kc/s (2400 metres) or above 21,500 Kc/s (13.92 metres) and is effected only during the following hours:

- Greenwich mean time: from 12 midnight to 1 a.m.; from 3 a.m. to 4 a.m.; from 8 p.m. to 9 p.m.; from 11 p.m. to 12 midnight.
- Rio de Janeiro mean time: from 3 a.m. to 4 a.m.; from 6 a.m. to 7 a.m.; from 11 p.m. to 12 midnight; from 1 a.m. to 2 a.m.

Sole paragraph. Aircraft in the territorial air space and at sea may similarly use wireless equipment during the same hours and at the same frequencies.

Article 16. Special authorization shall be required for the use of wireless telegraphy equipment by foreign warships:

(a) When anchored or moored in Brazilian naval ports or ports of analogous status;

(b) At hours and frequencies other than those prescribed in the preceding article.

Similar authorization shall be required in the same circumstances for foreign military aircraft.

Bulgaria

Decree of 10 October 1951 Concerning the Territorial and Inland Waters of the People's Republic of Bulgaria, Sections 9-13 and 15 (supra, Chapter II, Section A, under Bulgaria (a))

Chile

Political Constitution of 18 September 1925

Article 44. No decision may be taken, except pursuant to a statutory authorization:

10. To allow the entry of foreign troops into the territory of the Republic, with a limitation on the duration of their stay therein.

Note. See also: Customs Ordinance of 22 July 1953, article 31 (supra, Chapter II, Section A, under Chile (b)).
Provisional Measures Governing the Entry of Foreign Warships into Chinese Territorial Sea and Ports, Amended and Adopted on 19 October 1946

Article 1. If a foreign warship intends to enter the Chinese territorial sea and ports, the embassy or legation of the country to which such warship belongs shall address a communication to the Ministry of Foreign Affairs at least ten days before the scheduled date of arrival, requesting the Ministry's permission and specifying the following particulars: type, name and designation of the unit to which the ship belongs; purpose of the visit; whether or not aircraft are carried; the place where the ship is expected to put in and anchor; probable date of arrival and duration of stay.

Article 2. If a foreign warship comes to China for the purpose of paying a visit, permission may be given if normal order has been restored in the place of proposed visit, and withheld if normal order has not yet been restored.

Article 3. Permission may be given to a foreign warship which comes to China on a mission of temporary nature, such as the removal of the resident nationals of the ship's country or the shipment and delivery of medical and relief supplies.

Article 9. The Ministry of National Defence shall instruct all its subordinate authorities and request all local authorities concerned to see to it that, if owing to distress or damage a foreign warship is compelled to discontinue navigation, or puts in a Chinese port for want of provisions and fresh water in consequence of unforeseen circumstances, the said ship shall be permitted to enter the port in accordance with the principles of international law, and be asked to leave such port as soon as the reasons for its entry have been substantially removed. In this case, the local authorities concerned shall nevertheless keep the ship under surveillance and report to the superior authorities as prescribed.

Article 10. After permission has been granted to a foreign State to send a specified number of its warships to visit China for a specific mission, the Ministry of Foreign Affairs shall not admit any change in the purpose of the visit or increase in the number of the vessels involved, unless the change or increase is justified by special circumstances.

Colombia

Decree Concerning the Admission of Foreign Warships into Territorial Waters, 27 August 1859

Article 1. Maritime ports and waters and navigable rivers which touch the territory of more than one state, or which pass through the territory

of the Confederation to that of an adjacent nation, may not be occupied by warships or by vessels armed for war, whether such vessels belong to the government or to the authorities of a state, or to companies or individual persons; and the said ports and rivers shall not be used as the scene of military operations in conflicts which may arise between the states.

**Article 2.** The government, company or individual whose warships or vessels armed for war enter the above-mentioned ports and rivers contrary to the provisions of the preceding article; which cause said ports and rivers to become the scene of military operations; which capture or detain a merchant vessel as it enters, leaves or navigates these waters, and which in any way obstruct or impede free navigation, the freedom of foreign trade or of trade between the states, except in cases provided for by law, will be considered guilty of violating Article 15 of the constitution and Article 1 of the law of May 24, 1856; and the central government shall make use of the public forces in order to restore and maintain the freedom of navigation and of trade in said ports and rivers.

**Costa Rica**

**Decree No. XIV of 23 February 1884, Concerning the Government and Control of Ports**

*Article 170.* Warships and privateers belonging to nations friendly to the Republic which are engaged in an armed struggle and with regard to which it has declared itself neutral shall not be permitted to enter and remain in the ports of the Republic for more than forty-eight hours.

*Article 171.* In case of bad weather the period fixed in the foregoing article shall be prolonged until the danger has passed; and in cases in which the entrance has been occasioned by absolute lack of provisions or by damage, the departure shall not be obligatory until twenty-four hours after the process of supply or repairs has been concluded.

*Article 172.* The [quantity of] provisions which, in the circumstances described in the previous article, a warship or privateer shall be permitted to acquire, shall not exceed the quantity sufficient to reach the nearest port of its nation.

*Article 173.* Exemptions from the time allowances (lapsos) established by articles 170 and 171 shall be permitted only in case there are in the same port, river, roadstead or place of anchorage, one or more vessels which are enemies of the others anchored at the same place.

*Article 174.* In the circumstances described in the foregoing article, the harbormaster (capitán del puerto) shall notify the commandant of the warship or privateer which is to depart first that he may not hover in waters of the Republic and that he also will not be permitted to return to the place from which he sailed before [the expiration of] three days, except in case of bad weather or necessity for making repairs.

*Article 175.* Warships and privateers shall observe the following regulations within the territorial waters of the Republic:

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1. [They shall] keep the peace with all the ships anchored in the port, even with war vessels or privateers of their adversary;

2. [They shall] not increase their crews, nor engage recruits even among their own nationals.

3. [They shall] not increase the number of their guns nor replace them by others of larger caliber, nor take on portable arms or munitions of war.

4. [They shall] not obstruct in the ports or any other territorial waters of the Republic, the departure or entrance of their enemies nor solicit information concerning the latter, or vessels of their own nation, from neutrals.

5. [They shall] not put to sea in order to pursue any vessel signalled by the lookout of the port.

6. [They shall] not leave [any] port, roadstead, island or cape of the Republic, until twenty-four hours after the departure of any ship, even though the said ship be neutral.

7. [They shall not] make use of force or cunning to rescue prisoners from citizens who are in the place where such prisoners are located, or to liberate the prisoners of their nation.

8. [They shall not] sell the prizes they have taken nor take any step in that direction, so long as the proper courts of the Republic do not declare them good prizes.

9. [They shall not] signal with rockets, electric lights, or in any other manner, to ships of their nation which are outside Costa Rican waters in order to notify them of the sailing of their adversaries; this prohibition shall be extended to their consuls and their nationals resident in the locality.

Article 176. Notwithstanding the provisions of paragraphs 2 and 3 of article 175, and in recognition of the principle of exterritoriality, the vessels to which they refer shall be permitted, when placed alongside each other (unidas de bordo), to tranship from one to the other, the seamen, arms and munitions which they may need.

Denmark

(a) Order No. 356 of 25 July 1951 respecting the admission of foreign warships and military aircraft to Danish territory in time of peace

I. General Provisions

Article 1. Except as otherwise agreed with a foreign State, the following provisions respecting the admission of foreign warships and military aircraft to Danish territory shall apply in time of peace, by which is meant that both Denmark and the foreign State to which the vessel or aircraft belongs may be considered to be at peace.

Otherwise than in time of peace, the situation shall be governed by such provisions as may be called for.

The present provisions shall also apply to such vessels owned or used by a foreign State as are used as training or pleasure craft but do not wear a naval flag.

\[\text{\footnotesize 1 Lostidende A, 1951, pp. 959 et seq. Translation by the Secretariat of the Nations.}\]
In connexion with joint defence exercises the Ministry of Defence shall, on each particular occasion and according to the nature and purpose of the exercises, make provisions respecting the admission to Danish territory of the foreign warships and military aircraft taking part in the exercises.

Article 2. For the purposes of this Order, the term "Danish territory" means the Danish land domain and Danish waters, together with the air space above the said domain and waters.

For the purposes of this Order, the term "Danish waters" means Danish territorial waters, consisting of inner and outer territorial waters.

Article 3. For the purposes of this Order, the term "Danish inner territorial waters" means Danish harbours, harbour entrances, roadsteads, bays and inlets and those parts of Danish territorial waters which are situated within and between Danish islands, islets and reefs (rock formations) not permanently covered by the sea; provided that in the Great Belt and the Sound, only Danish harbours, harbour entrances, roadsteads, bays and inlets and the areas in the Great Belt and the Sound specifically enumerated in the second paragraph of this article and in article 4 shall be deemed to be Danish inner territorial waters.

II. Provisions respecting the admission of foreign warships to Danish waters in time of peace

Article 5. Foreign warships may pass through or remain in Danish waters, subject to the exceptions and limitations set out in the following articles.

Article 6. If the duration of the passage through or stay in Danish waters exceeds two whole days, prior notice through the diplomatic channel shall be required.

Such notice and the notice referred to in articles 7 and 8 should be given not less than eight days before the desired passage or stay is to take place.

Article 7. Foreign warships may pass through to remain in inner territorial waters and the Danish territorial waters in the Little Belt only if notice to that effect has been given in advance through the diplomatic channel.

In the case of fishery patrol ships which are owned by a State with which Denmark has concluded a fishery treaty and are engaged in supervising fishing in the waters adjacent to the Faroe Islands, a yearly notification through the diplomatic channel shall be sufficient for admission to Danish inner territorial waters in the Faroe Islands.

Article 8. A foreign warship may call at or pass through the ports and port areas of Frederikshavn and Elsinore or the port and roadstead of Copenhagen if permission to do so has been obtained in advance through the diplomatic channel or, where only passage through Hollaenderdyb and Drogden is concerned, if notice has been given in advance through the diplomatic channel.

Article 9. Notice and permission as referred to in articles 6, 7 and 8 shall not be required in the case of:

(a) Vessels which are owned by a State with which Denmark has concluded a fishery treaty and are engaged in supervising fishing, so far as
ports and anchorages on the west coast of Jutland and the port of the Scaw
are concerned;

(b) Vessels in distress.

Article 10. The inner territorial waters specified in article 4 shall be
closed to foreign warships, and permission to remain in or pass through
them shall generally be given only for a vessel in distress.

Article 11. If more than three foreign warships of the same nationality
intend to stay in Danish waters within the same naval command at the
same time, or if the stay of foreign warships, in whatever number, in
Danish waters is intended to continue beyond four days, permission shall be
obtained in advance through the diplomatic channel.

Article 12. Foreign warships shall not, in Danish waters, be permitted
to undertake surveying or to engage in military exercises such as artillery
firing, the firing of rocket weapons or torpedoes, minelaying, minesweeping,
the generating of artificial smoke or fog, exercises with armed vessels or the
dismounting of armed forces.

Foreign submarines in Danish waters shall navigate on the surface and
fly the naval flag.

III. Provisions respecting the admission of foreign military
aircraft to Danish territory in time of peace

Article 13. Foreign military aircraft shall not be admitted to Danish
territory unless permission has previously been obtained through the diplo-
matic channel, except in the case of:

(a) Aircraft carried on board a warship staying in or passing through
Danish waters;

(b) Aircraft in distress.

Cf. article 15, first to third paragraphs.

Article 14. If it is intended to undertake flights with aircraft carried on
board a warship while the warship is staying in or passing through Danish
waters, the permission referred to in article 13 shall be required and the
application for such permission shall contain the particulars specified in
article 16.

Article 15. The permission referred to in article 13 shall not for the
time being be required in respect of the passage of foreign military aircraft
without unnecessary delay through Danish outer territorial waters in the
Great Belt or the Sound or the air space above the said waters.

Such aircraft shall, however, seek radio communication with the Copenhagen
Air Traffic Control Centre—OYCH not later than immediately
before their entry into Danish territory in the Great Belt or the Sound, and
shall obey all the instructions given by the Centre in respect of the said
passage.

In addition, such passage shall in the Great Belt take place along or
above the centre-line of the outer territorial waters, and in the Sound at
the greatest possible distance from the Danish coast.

The permission referred to in article 13 shall be required for passage
through the Copenhagen roadstead, which is part of the inner territorial
waters, or the air space above the said roadstead, and the application for
such permission shall contain the particulars specified in article 16.
Article 17. In addition, foreign military aircraft in Danish territory shall do their utmost, even when in distress, to abide by regulations relating to areas declared closed to overflying or landing, and shall comply with all other regulations in force relating to the protection of the public and of aviation from danger and inconvenience (cf. articles 15 and 16).

Permanently-installed armament without ammunition and photographic apparatus without films or plates may be carried on board.

Foreign military aircraft shall not in Danish territory be permitted to engage in military exercises.

(b) Law No. 297 of 1 September 1939 Prohibiting Entry of Belligerent Warships into Danish Harbours or Territorial Waters

Article 1. Pursuant to the Royal Decree No. 209 of 31 May 1938 containing certain regulations relating to the entry of belligerent warships into Danish ports and territorial waters, belligerent warships and aircraft are forbidden, in accordance with Article 2, Section 4, of the said law, to enter Danish territory or territorial waters [as] in time of peace, in the following areas:

Isefjorden and the entrances thereto.
(Bounded on the north by the line Korshage–Spødsbjerg Fyr.)

Limfjorden and the entrances thereto.
(Bounded on the West by the line Tyrborøn Kirke–Aager Baake; on the east by the line Nordmands Hage–Egense Hage.)

The territorial waters of Smaaland together with the following entrances.
Agersøsund and Omøsund (bounded on the west by the line Korsør Kirke–Omø Fyr.)
The waters between Omø and Lolland (bounded on the west by the line Omø Fyr–Onse Vig Havu.)
Guldborgsund (bounded on the south by the line Hylekrog Fyr–Gjedser Fyr.)
Grønsund (bounded on the east by the following lines: parallel through Hestehoved Fyr, meridian 12°14'5" E.)
Bogestrømmen (bounded on the north-east by the following lines: parallel through Roneklint Bagfyr, meridian through Ulvshale Nordpynt.)
Als Sund
(Bounded on the south by the line Klinting Hoved north of Vemmingbund.)
Als Fjord
(Bounded on the north by the line Nordborg Fyr–Varnaes Hoved.)
Waters south to Fyen at the following entrances.
Waters between Langeland and Fyen (bounded on the north by the line Hov Fyr.)
Waters between Langeland and Aerø (bounded on the south-west by the lines of Ristinge Kirkelatitude and a meridian through Marstal Kirke.)
Waters between Aerø and Lysø and the waters between Lykand Fyen (bounded on the west by the line Skjoldnaes Fyr–Horenae.)
Law No. 298 of 2 September 1939 prohibiting Danish subjects to take service on belligerent vessels

Article 2. Pilots licensed under Danish law shall be bound by the provisions of Royal Decree No. 209, of 31 May 1938, with respect to conducting of belligerent vessels through Danish territorial waters under the provisions of said act relating to the pilotage of such vessels.

The usual Danish pilotage, sanitary, revenue, harbor, traffic and police regulations are made applicable to such conditions.

Dominican Republic

Harbour and Coastal Police Act No. 3003 of 1951, article 4 (supra, Chapter II, Section A, under Dominican Republic)

Ecuador

Maritime Police Code, promulgated by Decree No. 765 of 9 April 1944, article 392 (supra, Chapter II, Section A, under Ecuador)

El Salvador

Navigation and Maritime Act of 27 October 1933, articles 217, 241 (supra, Chapter II, Section A, under El Salvador (a)).

France

(a) Décret du 21 mai 1913 portant règlement, pour le temps de paix, des visites des bâtiments de guerre étrangers dans les mouillages et ports du littoral français et des pays de protectorat

Article 1er. Le terme « bâtiment de guerre » doit être considéré comme s'appliquant non seulement à tous les bâtiments désignés comme tels au sens admis de ce terme, mais également aux navires auxiliaires de toutes sortes.

Article 2. Pour l'application du présent règlement:

1) Le littoral métropolitain est réparti en secteurs dont les limites sont les suivantes:
   - Secteur de la Manche: de la frontière belge à la pointe de Primel;
   - Secteur de l'Atlantique: de la pointe de Primel à la frontière espagnole;
   - Secteur de la Méditerranée: de la frontière espagnole à la frontière italienne (la Corse est comprise dans ce secteur).

2) La Tunisie, l'Algérie et le protectorat marocain forment un secteur unique.

Article 3. En temps de paix, les bâtiments de guerre étrangers sont autorisés d'une manière permanente à visiter les ports français et des pays de protectorat, à mouiller dans les eaux territoriales à une distance inférieure...

1 Deák and Jessup, A Collection of Neutrality Laws, Regulations and Treaties, Denmark, p. 537 (1).
2 See infra, Chapter V, under Denmark.
3 British and Foreign State Papers, vol. 107, p. 765 et suiv.
à 6 milles de la laisse de basse mer, sous la réserve que le nombre de ces bâtiments, portant le même pavillon, ne soit pas supérieur à trois par secteur.

Il sera tenu compte des bâtiments qui se trouveraient déjà dans un secteur pour la détermination du nombre des bâtiments pouvant y être simultanément admis.

La notification d'une visite en projet doit, toutefois, être toujours transmise par la voie diplomatique habituelle, de façon à parvenir, si les circonstances le permettent, au moins sept jours avant la date de la visite projetée.

Les bâtiments de guerre étrangers ne peuvent séjourner plus de quinze jours dans les ports et eaux territoriales. Ils sont tenus de prendre le large dans les six heures s'ils y sont invités par les autorités maritimes ou par les commandants d'armes, même dans le cas où le terme fixé pour leur séjour ne serait pas expiré.

**Article 4.** Une autorisation spéciale du Gouvernement de la République, obtenue par la voie diplomatique habituelle, est nécessaire tant pour la prolongation de la durée de séjour que pour l'admission d'un nombre de navires supérieur à celui spécifié à l'article 3.

**Article 5.** Les prescriptions des articles 3 et 4 ne concernent pas:

a) Les bâtiments de guerre et navires à bord desquels sont embarqués des chefs d'États, des membres de dynasties régantantes ou leurs suites, des agents diplomatiques accrédités auprès du Gouvernement de la République;

b) Les bâtiments de guerre qui sont contraints de relâcher pour cause d'avaries, de gros temps ou autres causes imprévues;

c) Les navires chargés de la surveillance des pêcheries conformément aux Conventions relatives à ces pêcheries.

**Article 8.** Les bâtiments de guerre étrangers qui relâchent dans un port ou dans les eaux territoriales sont tenus de respecter les lois fiscales et les lois et règlements sur la police sanitaire.

Ils sont tenus également de déférer à tous les règlements du port, règlements auxquels sont assujettis les bâtiments de la marine nationale.

Dans ce but, l'autorité maritime locale fournira au commandant toutes les informations nécessaires sur les règlements du port.

Il est interdit aux bâtiments de guerre étrangers se trouvant dans les eaux territoriales de faire des relevés de terrain et des sondages, ou d'y faire, sans en avoir obtenu l'autorisation, des exercices de débarquement ou de tir.

Aucun travail sous-marin, exécuté avec ou sans scaphandrier, ne pourra être effectué sans que l'autorité maritime en ait été avisée préalablement.

Les hommes de l'équipage et les hommes de troupe devront être sans armes lorsqu'ils descendront à terre. Les officiers et les sous-officiers pourront porter les armes blanches qui font partie de leur uniforme.

Le nombre des permissionnaires qui pourront descendre à terre, les heures de descente et de rentrée à bord seront fixés par entente avec l'autorité civile locale et le commandant d'armes.

Les embarcations qui circuleront dans les ports et les eaux territoriales ne pourront être armées.

Aucun bâtiment de guerre étranger ne pourra mettre à exécution une sentence de mort dans les eaux territoriales.

Si des honneurs funèbres doivent être rendus à terre et que le commandant désire faire accompagner le cortège par un détachement en armes, il devra en demander l'autorisation au commandant d'armes.
Article 9. Les conditions d’accès et de séjour des bâtiments de guerre étrangers belligérants demeurent réglées conformément aux prescriptions du décret du 18 octobre 1912, tout en restant subordonnées aux formalités de la notification ou de l’autorisation préalables, spécifiées aux articles 3 et 4 du présent décret, hors les cas de force majeure prévus au paragraphe b de l’article 5.

Article 10. Dans le cas où un bâtiment de guerre étranger ne se conformerait pas aux règles édictées par le présent décret, l’autorité maritime ou militaire locale attirera d’abord l’attention de l’officier commandant sur la contravention commise et l’invitera formellement à observer les réglementations.

Si cette démarche échoue, l’autorité qualifiée, préfet maritime, commandant de la marine ou commandant d’armes, pourra inviter le bâtiment de guerre étranger à quitter immédiatement le port où les eaux territoriales.

(b) Décret du 29 septembre 1929 portant règlement, pour le temps de paix, des conditions d’accès et de séjour des bâtiments de guerre étrangers dans les mouillages et ports du littoral de la France et des pays placés sous le protectorat ou le mandat français 1

Article 1er. — Sous réserve des dispositions du présent décret, les bâtiments de guerre des puissances étrangères en paix avec la France sont, à titre permanent, admis à mouiller dans les ports compris dans les secteurs maritimes ci-après déterminés, ainsi que dans les eaux territoriales à moins de six milles de la laisse de basse mer:

a) Littoral de la France:
   Secteur de la Manche, comprenant le littoral depuis la frontière de Belgique jusqu’à Brest;
   Secteur de l’océan Atlantique, comprenant le littoral, inclus les îles, depuis Brest jusqu’à la frontière d’Espagne;
   Secteur de la Méditerranée, comprenant le littoral, inclus les îles et la Corse, depuis la frontière d’Espagne jusqu’à la frontière d’Italie;
   b) Secteur de l’Afrique du Nord, comprenant le littoral de l’Algérie et de la Tunisie, ainsi que du Maroc, tant sur la Méditerranée que sur l’océan Atlantique, la zone espagnole et celle de Tanger non comprise;
   c) Secteur du Levant comprenant le littoral des territoires de la Syrie et du Grand-Liban, placés sous le mandat de la France.

Dans un même secteur, le nombre des bâtiments de guerre étrangers de même pavillon ne pourra, à moins d’une autorisation spéciale, être supérieur à trois.

Article 3. — Toute visite d’un bâtiment de guerre étranger dans les eaux ou ports compris dans un des secteurs maritimes spécifiés à l’article 1er devra avoir été notifiée, par la voie diplomatique, au ministre des affaires étrangères, à Paris, au moins sept jours avant l’arrivée du bâtiment en visite, sauf les cas de force majeure.

La notification mentionnera si le bâtiment en visite est porteur d’aéronefs.

1 Journal officiel n° 230 du 1er octobre 1929, p. 11123.

Article 5. — Les dispositions du présent décret ne sont applicables aux aéronefs militaires ou navals que s'ils sont portés ou remorqués par un bâtiment de guerre; ces aéronefs ne doivent pas quitter les eaux territoriales par la voie des airs sans avoir obtenu l'autorisation de l'autorité navale compétente.

Article 6. — Les bâtiments de guerre étrangers de même pavillon ne peuvent, à moins d'une autorisation spéciale du Gouvernement de la République, séjourner plus de quinze jours dans un des secteurs spécifiés à l'article 1er.

Ils sont tenus de prendre le large dans les six heures qui suivent toute invitation qui leur serait adressée à cette fin par les autorités navales militaires ou civiles compétentes.

Article 7. — Les dispositions des articles 1er et 6 ne sont pas applicables aux bâtiments de guerre étrangers ci-après:

a) Bâtiments à bord desquels sont embarqués des chefs d'État, des membres de dynasties régantes ou leurs suites, ou des agents diplomatiques accrédités auprès du Gouvernement de la République;

b) Bâtiments en relâche forcée pour cause d'avaries, gros temps ou autres cas de force majeure;

c) Bâtiments garde-pêche agissant en conformité des conventions internationales relatives à la pêche.

Article 10. — Dans les eaux territoriales et ports des différents secteurs spécifiés à l'article 1er, les bâtiments de guerre étrangers sont tenus de s'abstenir de faire des relevés ou sondages et de procéder, à moins d'autorisation spéciale, à tous exercices militaires (corps de débarquement, tirs, lancements de torpilles, mouillages de mines, etc.).

Ils doivent respecter les lois fiscales françaises et se conformer aux mesures de police sanitaire ainsi qu'aux règlements de port auxquels sont assujettis les bâtiments de la marine nationale et dont il appartiendra à l'autorité visée à l'article 8 de les informer.

Article 11. — Aucun bâtiment de guerre étranger admis dans les ports et eaux territoriales des secteurs visés à l'article 1er ne pourra y mettre à exécution une sentence de mort.

Article 12. — En cas de guerre entre des puissances étrangères, la France étant neutre, les conditions d'accès et de séjour des bâtiments de guerre belligérants sont réglés par les prescriptions des décrets des 18 et 26 octobre 1912; toutefois les formalités de notification ou d'autorisation préalables prévues dans les articles 3 et 10 du présent décret sont applicables.

Article 13. — Dans le cas où un bâtiment de guerre étranger ne se conformerait pas aux prescriptions du présent décret, l'autorité navale ou militaire locale devra tout d'abord attirer l'attention de l'officier commandant sur la contravention commise et l'inviter à observer ou faire observer lesdites prescriptions. Si cette démarche reste sans résultat, ladite autorité pourra inviter le bâtiment à reprendre la mer dans les conditions prévues à l'article 6, alinéa 2.
(c) RÈGLEMENTATION DU SEJOUR DES BÂTIMENTS DE GUERRE ÉTRANGERS DANS LES PORTS ET EAUX TERRITORIALES DES COLONIES, 1er JUIN 1930

Article 1er. — Sous réserve des dispositions du présent décret, les bâtiments de guerre des puissances étrangères en paix avec la France sont, à titre permanent, admis à mouiller dans les ports compris dans les secteurs maritimes ci-après déterminés, ainsi que dans les eaux territoriales à moins de six milles de la laisse de basse-mer, du littoral des colonies, pays de protectorat et territoires sous mandat de la France relevant du ministère des colonies:

a) Secteur de l'Indochine et des Etablissements français de l'Inde;
b) Secteur de Madagascar, dépendances et îles rattachées et de la Réunion;
c) Secteur de l'Afrique occidentale française et du Togo;
d) Secteur de l'Afrique équatoriale française et du Cameroun;
e) Secteur des Antilles et de la Guyane;
f) Secteur de Saint-Pierre et Miquelon;
g) Secteur des Établissements français de l'Océanie;
h) Secteur de la Nouvelle-Calédonie et dépendances;
i) Secteur de la Côte française des Somalis.

Dans un même secteur, le nombre des bâtiments de guerre étrangers, de même pavillon, ne pourra, à moins d'une autorisation spéciale, être supérieur à trois pour les quatre premiers secteurs indiqués ci-dessus et à deux pour les cinq autres secteurs.

Article 3. — Toute visite d'un bâtiment de guerre étranger dans les eaux ou ports compris dans un des secteurs maritimes spécifiés à l'article 1er devra avoir été notifiée par la voie diplomatique au ministre des affaires étrangères, à Paris, au moins quinze jours avant l'arrivée du bâtiment en visite, sauf les cas de force majeure.

La notification mentionnera si le bâtiment en visite est porteur d'aéronefs.

Le ministre des affaires étrangères avisera sans délai de cette notification le ministre des colonies chargé de prévenir de cette visite le gouverneur général, gouverneur ou commissaire de la République placé à la tête du territoire dont dépend le port ou les eaux territoriales visités.

Note. Les dispositions des articles 4-7, 10-13 de cette réglementation sont identiques à celles des articles correspondants du décret du 29 septembre 1929 mentionné plus haut (Chapitre III, France (b)).

Voir également: décret du 1er octobre 1934, article 2 (supra, Chapitre II, Section A, France (a)) ainsi que le Code des douanes du 8 décembre 1948, articles 63 et 276 (supra, Chapitre II, Section A, France (c)).

Germany (Federal Republic)

REGULATIONS 2 OF 1 AUGUST 1925 FOR THE ADMISSION AND TREATMENT OF FOREIGN WARSHIPS 3 IN GERMAN COASTAL PORTS AND WATERS

Article 1. Warships of foreign powers require no special authorization to enter fortified or unfortified German ports and estuaries. Due notice of

1 Ibid., n° 134 du 6 juin 1930, p. 6280.
3 The term “warships” in the following regulations includes all foreign vessels, auxiliary vessels and transport vessels entitled to fly the naval ensign.
the impending visit through the diplomatic channel is, however, required. ¹

Failing such notice, foreign warships may not cross the outer fortification line or remain in roadsteads, ports or estuaries, except in the cases specified in article 2.

For the use of the Kaiser Wilhelm Canal, see article 3.

The number of warships belonging to a single foreign State, which may remain in a fortified or unfortified port, etc., at one and the same time is normally limited to three. Visits may not exceed a period of fourteen days. Authorization for exceptions must be obtained through the diplomatic channel.

Submarines may not pass through German territorial waters submerged.

Article 2. The foregoing provisions do not apply to:
(a) Ships on which chiefs of States, members of ruling dynasties or diplomatic representatives accredited to the German Reich are carried;
(b) Ships which are forced to put into German ports for urgent navigational reasons;
(c) Vessels engaged in fisheries control under the terms of the North Sea Fisheries Convention and whose names have been communicated to the German Government through the diplomatic channel.

Article 3. Foreign warships may pass through the Kaiser Wilhelm Canal without special authorization. Due advance notice through the diplomatic channel is, however, expected as an act of international courtesy.

Article 6. Foreign warships are not required to take on a pilot in entering roadsteads and berths. Within the fortification line or boundary of a German port they are, however, subject to the police regulations of that port.

In the event of a foreign warship infringing the port police regulations, the matter shall be brought to the attention of the ship's command, and the need for strict compliance with these regulations emphasized. If this action has no effect, the foreign warship may be called upon to leave the port immediately.

A request to leave the port immediately shall also be made, if, without being obliged to do so for urgent navigational reasons, a foreign warship or squadron continues on its course or prolongs its stay after being notified by an officer on the instructions of the German shore commander that permission cannot be granted to cross the fortification line or harbour boundary or to remain further in the port or roadstead.

Article 8. In ports in which a naval unit is stationed or a naval administration office is located, the senior naval commander shall despatch an officer to greet incoming foreign warships. In unfortified ports, the port captain or harbour master is entitled to accompany the officer sent to pay the call.

The officer shall officially notify the commander of the foreign vessel whether it may enter the roadstead or harbour and the length of time it may remain there. He or the port captain or harbour master accompanying him

¹ If the foreign warships are carrying aircraft on board, the notice must contain an indication to this effect.
shall assign an anchorage or berth to the commander of the incoming vessel or squadron and shall notify him of the relevant provisions of port police regulations. The officer shall also ascertain the name and rank of the ship or squadron commander, the name of the ship, its port of departure, the purpose of the visit, the length of stay intended and the state of health of the crew. If the foreign ship's commander notifies the welcoming officer of his intention to remain in the roadstead or to enter the port, the latter shall offer to escort an officer who will be sent to report to the German naval commander of the port.

Article 10. If, as an exception, a foreign warship enters a port at night, an officer to welcome it shall be despatched only on the following morning, but as soon as possible after the colours are hoisted. The ship may then anchor where it wishes or, if it has taken on a pilot, in accordance with his instructions; it must, however, change the anchorage as soon as it is asked to do so.

Article 11. If the officer despatched to greet a foreign warship, which arrives by day, boards the vessel only when it is already anchored or moored, the prescribed greetings, notifications and inquiries shall, nevertheless, also be made and the anchorage chosen approved retrospectively or a different anchorage assigned.

Guatemala

Decree No. 2393 of 17 June 1940

Article 1. Belligerent submarines may not enter or remain in the harbours, roadsteads or territorial waters of the Republic. The aforesaid territorial waters shall be deemed to include the expanse of the sea extending for twelve nautical miles from the coast and measured from the low-water mark. The historic bay of Amatique shall be deemed to be included in the territorial waters of the Republic.

Honduras

Decree No. 191 of 9 April 1935, articles 54-60, 63, 65-68 (supra, Chapter II, Section A under Honduras (b))

Iran

Loi du 24 Tir 1313 (19 juillet 1934) relative à la limite des eaux territoriales et à la zone de supervision et de contrôle, articles 4-8 (supra, Chapitre I, Iran (a))

Italy

(a) Royal Decree No. 2423 of 24 August 1933

Rules governing the grant of permission to foreign warships in time of peace to anchor in the ports and anchorages of the Kingdom, the Aegean possessions and the colonies.

Article 1. This Decree concerns the arrival in time of peace of warships belonging to non-belligerent States in national ports and anchorages and the ports and anchorages situated in the Aegean possessions and the colonies.

Article 2. By “warships” is meant not only every vessel designated as such in the accepted sense of the term, but also every vessel of any kind whatsoever flying a war flag and assigned to the service of a State.

Article 3. Foreign warships are always authorized in time of peace to visit national ports and the ports situated in the Aegean possessions and the colonies and to anchor in territorial waters within six miles of the low-water line on condition that the number of vessels belonging to one and the same State does not exceed three in any sector into which the coasts of the Kingdom, the Aegean possessions and the colonies are divided for the purposes of this Decree.

Notice that such a visit is contemplated shall, however, be given in every case through the customary diplomatic channel so that, circumstances permitting, the said notice will be received not less than seven days before the contemplated visit begins.

The vessels aforesaid shall not remain in port or in the territorial waters longer than eight days. They shall in any case put to sea within six hours of receiving notice on being invited by the maritime authority to leave even if the duration of the stay as above mentioned has not been completed.

In the event of the arrival of a foreign naval force, the number of vessels comprising which exceeds that specified in the first paragraph of this article, the maritime authority shall forthwith bring the aforesaid provisions to the attention of the officer in command of such forces in order that he may remove such vessels as exceed the prescribed number.

Article 4. The limits laid down in the preceding article with regard to the maximum number of foreign warships and length of stay shall not be exceeded except in a case of enforced stay subject nevertheless to formal permission to be requested from His Majesty’s Government through the diplomatic channel.

Article 5. The provisions of the preceding articles shall not apply to:

(a) Warships on which heads of States, members of reigning dynasties and their suite, or diplomatic agents accredited to His Majesty’s Government are present;

(b) Warships compelled by damage, bad weather or any other unforeseen cause to put into port;

(c) Warships engaged in patrol operations in waters where such operations are permitted by His Majesty’s Government in accordance with agreements.

1 Gazzetta Ufficiale, 22 May 1934, no. 120. Translation by the Secretariat of the United Nations.
Article 6. For the purposes of this Decree, the coasts of the Kingdom, the Aegean possessions and the colonies shall be divided into seven sectors as follows:

1. Adriatic sector, from the frontier to Santa Maria di Leuca, including Zara and the Adriatic islands belonging to Italy;
2. Ionian sector, from Santa Maria di Leuca to Scilla on the peninsula, and from Capo Peloro towards the eastern and southern coasts of Sicily up to Capo Lilibeo;
3. Tyrrhenian sector, from the frontier to Capo Peloro and Scilla with the northern coast of Sicily up to Capo Lilibeo and with all the Tyrrhenian and Sicilian Italian islands;
4. Aegean sector;
5. Sector comprising Tripolitania and Cyrenaica;
6. Sector comprising Eritrea;
7. Sector comprising Somaliland.

Article 7. A foreign warship entering a port or roadstead that is situated in the Kingdom, an Aegean possession or a colony and is not a port area, coastal fortress or naval base or the seat of a naval command shall be assigned an anchorage by the maritime authority.

If the vessel is already anchored, the authority may permit it to remain where it is or, if of the opinion that the vessel impedes navigation or the services of the port, may assign another anchorage.

The maritime or port officer responsible for the formalities customarily exercised by the naval or port authority shall, after the sanitary regulations have been complied with, deliver to the officer in command of the vessel a copy of the attached model bill of health setting forth the particulars requested and receiving it back duly completed and signed. He shall also deliver to the said officer for his information a copy of the present Decree.

If pratique is not given, the aforementioned official shall confine himself to delivering a copy of the Decree to the officer in command of the vessel or naval force, and the said officer shall, having due regard for such necessary precautions as may be prescribed, send a medical officer or other representative to the local health office in order to furnish the information required to complete the bill of health and to be notified of the sanitary measures to which the vessel or vessels must submit.

Article 8. When proceeding to, or departing from, an anchorage within the limits of a port area, coastal fortress or naval base, a foreign warship shall, if so requested by the local naval authority, accept the guidance of an official or other representative duly despatched by the said authority, and shall comply with the instructions given by him as regards the course to be followed in entering and leaving the anchorage assigned. This service shall be free of charge and shall not entail any liability on the part of His Majesty's Government or any agency thereof for damages which the vessel may sustain, and it shall be entirely independent of any ordinary pilotage service that may be requested by the vessel itself through the prescribed signals or be offered by local pilots or, under special local conditions, be compulsory.

For the purposes of this article, the following shall be deemed to be port areas, coastal fortresses and naval bases:

Port areas: La Spezia, La Maddalena, Taranto, Brindisi, Venice and Pola;
Coastal fortresses: Messina;
Naval bases: Porto Lago (Lero), Tobruk.
A port area, coastal fortress or naval base as aforesaid and any foreign warship entering an anchorage situated therein shall, if the vessel is able to do so, exchange a gun salute.

The aforementioned obligation shall also apply to the anchorages of Naples, Zara, Tripoli and Massawa, and to any other anchorage of the State, an Aegean possession or a colony in which there is present a vessel of the Royal Navy able to return the salute.

In every port area, coastal fortress and naval base, the national flag shall be flown from eight o'clock in the morning until sundown. The national flag shall be temporarily flown outside the prescribed hours if its colours can be distinguished or a warship is in sight or in motion, and shall always be so flown when a warship in sight has its flag unfurled.

**Article 9.** Foreign warships may, in the interest of national defence, be prohibited from passing through or remaining in the territorial waters of such particular areas as may from time to time be designated.

Such prohibition, whether temporary or permanent, shall be made public through the means employed for the dissemination of hydrographic information relating to navigation. Semaphore, signal stations and national warships situated in the vicinity of such areas shall employ the international Code of Signals to communicate the said prohibition to foreign warships passing nearby.

**Article 10.** Foreign warships anchoring in a port or in territorial waters shall comply with customs, police and sanitary laws and regulations.

They shall also comply with all local regulations to which vessels of the Royal Navy are subject. To facilitate such compliance, the local maritime authority shall furnish the officer in charge of the foreign warships with all necessary information.

**Article 11.** Foreign warships and aircraft accompanying the same shall not, while they are present in the waters of a port area, coastal fortress or naval base of the Kingdom, an Aegean possession or a colony or in an anchorage situated in the vicinity thereof, make use of their wireless equipment unless permission to do so has been obtained from the officer in command of the said area, fortress, base or port, such permission being conditional upon communication to the said officer of particulars of the type of wireless system, the wave-length to be employed in transmission, and the hours during which the equipment is to be used.

**Article 12.** Foreign warships and aircraft accompanying the same shall, when present in any port of the Kingdom, an Aegean possession or a colony not adjacent to a port area, coastal fortress or naval base, comply with the following provisions:

(a) The 600-metre wave-length shall not be used for any kind of transmission other than distress signals or replies thereto;

(b) There shall be no interference with signals of national wireless stations, whether mobile or fixed, and no interference with or interruption of wireless broadcasts;

(c) Transmissions shall be suspended at the request of any naval authority, the port authority or any fixed national wireless station;

(d) Prolonged signalling with equipment that does not transmit with an unmodulated continuous wave shall be avoided;
(e) If any unit of the Royal Navy is in port, the officer in charge thereof shall be consulted beforehand.

Article 13. Foreign warships present in territorial waters shall not chart land areas or conduct sounding operations, and shall not, without authorization, engage in landing drills, firing practice, the launching of torpedoes or the laying of mines.

No work may be performed under water unless previous notice thereof is given to the maritime authority or a representative thereof.

Article 14. No aircraft carried on board, or escorted or towed by, a foreign warship shall fly over or rise above territorial waters without special authorization.

Article 15. Submarines permitted to anchor in a port shall remain on the surface for the entire duration of their stay and shall not, without authorization, engage in diving practice. They shall, upon arrival or departure and as long as they remain in territorial waters, proceed at all times on the surface.

Article 16. Foreign warships shall not land armed members of their crews, or of military units carried on board, for purposes of drill, patrol or guard duty or funerals or for any other reason unless authorization to do so has previously been requested of the local military authority or, if there is no such authority, of the port authority.

The number of persons permitted to go ashore and other details and also the hours for going ashore and returning on board shall be agreed upon between the officer in command of the foreign vessel or vessels and the local civil and military authorities, account being taken of any warships of other nations that may be present.

Ship’s boats operating in ports or territorial waters shall not be armed.

No death sentence may be carried out in territorial waters.

Article 17. If in a case of armed conflict between other States, the Italian State is neutral, the relevant maritime conventions, laws and regulations shall be observed in respect of ports and territorial waters.

Article 18. The local naval authority or, in default thereof, the port authority or, in the last resort, the military authority shall ensure that the provisions of this Decree are complied with.

The authority aforesaid shall request a foreign warship, in the case of a contravention or refusal, to comply strictly with the provisions of this Decree. If an offence is persisted in or instructions are not obeyed, the local maritime authority, after sending a formal protest to the officer in command of the foreign warship, shall forthwith notify the facts by telegraph to the competent headquarters of the naval district or the autonomous military command within whose jurisdiction the foreign warship is situated and to the Ministry of Marine, and, if the authority giving notice of the case is a military authority, to the Army Corps headquarters and the Ministry of War.

In the Aegean possessions and the colonies, the aforementioned facts shall be notified forthwith to the competent Governor, who in turn shall inform the central authority.
(b) Royal Decree No. 595 of 6 June 1940

Arrival and stay in time of war of Italian merchant vessels and of neutral warships and merchant vessels in the territorial waters of the Kingdom of Italy and Albania, the Empire, the colonies and possessions.

Article 1. It shall not be lawful for an Italian merchant vessel or for any neutral warship or merchant vessel to enter the territorial waters of the Kingdom of Italy and Albania or of the Empire, or of the colonies or possessions, in time of war unless authorized to do so in conformity with the following articles. The territorial waters are therefore to be regarded as closed to navigation.

Article 2. The following areas are declared dangerous to shipping:

(a) Home waters: A belt twelve miles wide along the coast of the mainland and along the coast of the following islands: Sicily, Sardinia, Elba, Gorgona, Marittimo, San Petro, S. Antioco, Asinara, Pantelleria, Lussino, Cherso;

(b) Albanian waters: A belt twelve miles wide along the coast from the Yugoslav frontier to the Greek frontier and along the coast of the island of Saseno;

(c) North African waters: A belt twelve miles wide along the coast from the Tunisian frontier to the Egyptian frontier;

(d) Aegean waters: A belt twelve miles wide surrounding the coast of the Dodecanese Islands up to the limits of the Turkish territorial waters;

(e) Waters of Italian East Africa—Indian Ocean: A belt twelve miles wide along the coast from the Kenya frontier to the British Somaliland frontier;

Red Sea: A belt twelve miles wide along the islands and the coast from the Sudan frontier up to a point twelve miles east of the Fatma Island lighthouse. From that point up to Ras Dumeira the belt is six miles wide.

Article 3. Italian merchant vessels and neutral vessels authorized to enter a port in the Kingdom of Italy and Albania or in the Empire, or in a colony or possession, shall take into account the particulars of which they receive advance notice from one of the Italian traffic offices set up in foreign and Italian ports.

Article 4. Suitable swept channels and approach areas have been established for the purpose of enabling vessels to cross dangerous areas and areas closed to navigation.

All vessels using swept channels must employ the services of a pilot.

Article 5. A vessel proceeding to a port in the Kingdom of Italy and Albania or in the Empire, or in a colony or possession, must approach the swept channels in daytime, keeping within the approach areas, and must fly the national flag and the appropriate signals prescribed by the International Code of Signals for identification and for indicating a request for a pilot. Every vessel which is about to enter a port as aforesaid shall be identified by a naval craft or, visually, by a semaphore station.

1 Ibid., 20 June 1940. Translated by the Secretariat of the United Nations.
Article 6. After a vessel which is about to enter one of the ports referred to in article 5 has been identified and authorized to enter the territorial waters, it shall follow the course of the pilot vessel and hold itself ready to comply without hesitation with any orders given by the pilot or transmitted by vessels of the Royal Navy or by semaphore stations. It shall anchor at the place assigned to it and shall not make contact with land until it has been instructed to do so. While in port it shall comply promptly with any instructions subsequently received from the port or military authorities. Before leaving port, it shall in every case obtain the authorization and comply with the instructions of the authorities aforesaid.

Article 7. During the approach to the anchorage the use of radio equipment is prohibited. The movement of ship's boats and crew shall be governed by regulations made by the port or military authorities.

Article 8. The military authorities have full powers to allow or to disallow a request for permission to navigate in prohibited and dangerous areas between any one port and another in the Kingdom or in the colonies. If such navigation is permitted, it shall conform to such regulations as will from time to time be made by the said authorities.

Article 9. In the event of mobilization, the following provisions may be applied with respect to foreign warships and merchant vessels:
   If circumstances so require, naval commands may direct foreign warships and foreign merchant vessels anchored in territorial waters to put to sea;
   Vessels receiving such a direction must depart not later than twelve hours from the time when the said direction is delivered to them on board;
   The naval command shall arrange for the said vessels to be piloted to the limits of the dangerous areas and, subject to military requirements in the port, for such of the said vessels as are unable to put out to sea within the prescribed time limit to be towed to whatever other point the said command may assign to them.

Article 10. Any vessel which contravenes the provisions of this Decree shall be liable to such military measures as the circumstances may require.

Liban

Décret du 29 septembre 1929 du Président de la République française portant règlement, pour le temps de paix, des conditions d’accès et de séjour des bateaux de guerre étrangers dans les mouillages et ports du littoral de la France et des pays placés sous le protectorat ou le mandat français.

Netherlands

(a) Royal Decree of 30 October 1909 to enact new regulations concerning the admission of warships of foreign powers to the territorial waters and inland waterways of the Netherlands.

Article 2. (1) Subject to the provisions of article 4 concerning prior permission to enter the channels specified therein and to navigate the inland
waterways of the Kingdom, warships of foreign Powers may enter the territorial waters and inland waterways of the Netherlands from the sea, provided that they proceed by the shortest route (under observance of the provisions of article 3) to the roads or port lying nearest to sea for the purpose of anchoring there, and provided that their number, including those flying the same flag which are already present in Netherlands territory, does not exceed three.

(2) The provisions of paragraph (1) shall be without prejudice to free passage through territorial waters, so far as this is recognized in international law.

Article 3. (1) When navigating the channels and inland waterways of the Kingdom, the warships of foreign Powers and their boats shall not be permitted to depart from the prescribed routes which are used by pilots of the Kingdom for navigation.

(2) Bearings and soundings may be taken only in so far as they are required for the purposes of safe navigation.

(3) In order to ensure strict observance of this provision, we reserve the right to have the ship escorted by an officer of the Royal Navy or an official of the pilot service.

Article 4. (1) It shall not be lawful for warships of foreign Powers, without the permission of Our Minister of Marine to enter the undermentioned sea channels or, without such permission, to navigate the inland waterways of the Kingdom.

(2) The sea channels referred to above are those of:

Terschelling,
Texel,
Ijmuiden,
Hook of Holland,
Goeree.

(3) The expression "inland waterways of the Kingdom" means all navigable waters lying to landward of the sea channels of the Kingdom.

Article 5. (1) In special cases, We may authorize exceptions to the provisions of article 2 relating to the number of warships.

Article 6. (1) Warships of foreign Powers may not remain more than fourteen consecutive days within the territory of the Kingdom.

(2) Unless permission is granted by Our Minister of Marine, a particular warship may not, after its departure, re-enter a sea channel of the Kingdom for thirty days.

Article 7. (1) The restrictive provisions of articles 2, 4 and 6 do not apply:

(2) (a) To a warship which, as indicated by the standard or flag flown, is carrying a reigning monarch, a member of a ruling royal house, the president of a republic, the head of the embassy of a foreign Power in the Netherlands or the head of a mission of a foreign Power proceeding to the Netherlands, or to the warships which form its escort;

(3) (b) To cruisers exercising the superintendence of the North Sea fisheries on behalf of the Powers bound by the Convention of 6 May 1882 (Staatsblad 1884, No. 40);

(4) (c) To warships of foreign Powers which are engaged exclusively on religious, scientific or humanitarian missions;
(5) (d) To warships of foreign Powers in case of emergency, peril of
the sea or damage. When, in the judgement of Our Minister of Marine,
the emergency ceases to exist, the provisions of articles 2, 4 and 8 shall
forthwith become fully operative.

(6) The exceptions to the restrictive provisions of items (a) to (c) incul-
sive are applicable only to the Powers which observe the same practice with
respect to Netherlands warships.

Article 8. (1) The permission mentioned in article 4, unless obtained
through the diplomatic channel, shall be applied for in the manner specified
below.

(2) (a) If the permission is to relate to sea channels, application shall
be made:
In the case of the Terschelling channel, through the Commissioner of
Pilots at Terschelling;
In the case of the Texel or Goeree channel, through the Director and
Naval Commander at Willemssoord or at Hellevoetsluis, as the case may be;
In the case of the Ijmuiden channel or the Hook of Holland channel,
through the Commander of the warship stationed there, or if there is no
such Commander, through the Commander of the local military establish-
ment.

(b) If the permission is to relate to inland waterways, application
shall be made:
In the sea channels mentioned in article 4, through the authorities
specified above under (a);
In the other sea channels, through the Commander of the warship
stationed there.

(3) If no warship is stationed in the particular locality, permission shall
be applied for through the harbour-master, or, if there is no harbour-
master, through the Commissioner of Pilots, or, if there is no such Commis-
sioner, through the burgomaster.

Article 10. (1) Warships of foreign Powers may not engage in hydro-
graphic or surveying activities within the sea channels and territorial waters,
or, generally, within the boundaries, of the Kingdom, nor may they carry
out any exercises involving landings nor, unless permission is granted by
Our Minister of Marine, any firing, torpedo or mining exercises.

(2) Members of the crew may only land if unarmed; this provision shall
not apply to officers and non-commissioned officers wearing swords or
daggers as part of their uniform.

(3) The ship's boats may only proceed in these waters if unarmed.

(4) If, for the purpose of holding a funeral ceremony on land, it is desired
to make an exception to the prohibition mentioned in paragraph (2) of
this article, an application for permission must be made to Our Minister
of Marine through the authorities mentioned in article 8.

(5) No death sentences may be executed on board warships of foreign
Powers within the sea channels and territorial waters of the Kingdom.

Article 11. (1) Warships of foreign Powers are obliged to comply with
the police, health and fiscal legislation and regulations in force which apply
to warships of the Royal Navy and to observe all port regulations which
apply to warships of the Royal Navy.
Article 12. (1) Warships of foreign Powers present within the territory of the Kingdom which contravene the above provisions may be directed to leave; if necessary, force may be used for the purpose of compelling them to leave.

Article 14. (1) These provisions apply in peace time and to the warships of foreign Powers which are not involved in a war.

(2) We reserve the right, in time of war or threat of war, or for the purpose of safeguarding neutrality, and in any other exceptional circumstances, to restrict or to prohibit the admission of warships of foreign Powers to the territorial waters and inland waterways of the Netherlands.

(3) Warships of foreign Powers present in the territorial waters or inland waterways of the Netherlands by virtue of this Decree shall in any event be obliged to put to sea within six hours, if called upon to do so by Our Minister of Marine or his representative.

Our Ministers of Marine, War, Foreign Affairs and Justice shall be responsible for giving effect to this Decree, which shall be published in the Staatsblad and a copy of which shall be transmitted to the Council of State.

(b) Royal Decree of 29 April 1931 Governing the Admission of Foreign Military Aircraft to Netherlands Territory, 1 as Amended 2

Article 1. In this Decree the following terms shall have the meanings respectively assigned to them:

(a) foreign military aircraft: all aircraft of foreign nationality which are under the command of a member of the armed forces of foreign nationality who has been designated by the competent authority for this purpose.

(b) Netherlands territory: the land territory of the Kingdom of the Netherlands in Europe, including the territorial waters and the air-space above the said territory.

(c) Our Minister: Our Minister of War and Our Minister of Marine, each insofar as he is concerned.

Article 2. 1. The entry or operation of foreign military aircraft into or in Netherlands territory without the permission of Our Minister shall be unlawful.

2. This permission shall also be necessary for the purpose of securing exemption from the provisions of article 6, first paragraph, of the Air Navigation Act (Luchtvaartwet) governing the distinguishing marks to be borne by aircraft.

Article 5. 1. It shall be unlawful to carry in foreign military aircraft:

(a) Weapons, in so far as they do not, in the judgment of Our Minister, form part of the equipment of the aircraft;

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1 Ibid., 1931, No. 179. Translation by the Secretariat of the United Nations.
2 By Royal Decree of 25 June 1951 (ibid., 1951, No. 248), and Royal Decree of 12 November 1952 (ibid., 1952, No. 556).
(b) Munitions, bombs, torpedoes or other projectiles;
(c) Photographic apparatus.

2. It shall be unlawful to use parachutes for the purpose of leaving foreign military aircraft.

3. Our Minister may grant exemption from the provision laid down in the preceding paragraphs.

Article 6. 1. The officer commanding a foreign military aircraft landing in Netherlands territory shall be required, when presented with a form of questionnaire by a civil or military authority to be designated by Our Minister, to answer the questions contained therein truthfully.

2. The form referred to in paragraph 1 shall be prepared by Our Minister.

Article 7. A foreign military aircraft flying over Netherlands territory shall conform to the procedure prescribed in this country for landing at the nearest airfield, as soon as it receives a signal instructing it to make such a landing.

Article 8. The provisions of articles 2, 4, 5, paragraph 2, and 7 shall not be applicable to foreign military aircraft in the case of force majeure; the question whether force majeure was present shall be settled by Our Minister.

Article 9. 1. A foreign military aircraft which, after obtaining the permission referred to in article 2, makes a landing within Netherlands territory shall, so far as they are applicable, enjoy the same privileges as are granted to foreign warships by Our Decree of 30 October 1909 (Staatsblad No. 351), as subsequently amended.

2. The privileges referred to in the foregoing paragraph shall not be enjoyed by foreign military aircraft which have landed within Netherlands territory by reason of the circumstances described in article 8 or which have received orders to land by signals or otherwise.

Article 10. Foreign military aircraft shall be required to obey the existing police, fiscal and health regulations and to comply with all the local rules applicable to Netherlands military aircraft.

Article 11. 1. Officers commanding foreign military aircraft who, while in Netherlands territory, contravene any of the provisions of this Decree, may be directed by Our Minister, or by his representative, to leave together with the aircraft under their command and the crew thereof; if necessary, force shall be used for the purpose of obliging them to leave.

2. In time of war or threat of war, or for the purpose of safeguarding neutrality and in any other exceptional circumstances, We reserve the right to limit the presence of foreign military aircraft admitted to Netherlands territory by virtue of this Decree.

3. In every case foreign military aircraft shall be required to leave Netherlands territory by a prescribed route within two hours after receiving a request to that effect from Our Minister or his representative.
Article 1. In this Decree: “Netherlands territory” means the territory of the Realm in Europe, including the territorial waters and the overlying air space.

Article 3. (1) Subject to the provisions of the second paragraph hereof, a warship of a foreign Power, with stationary aircraft carried on board, may enter Netherlands territory from the sea without previous permission, on condition that it does so by proceeding along the shortest route and in compliance with the provisions of Article 4 for the purpose of reaching the harbour or roadstead situated nearest to the sea in order to anchor there, and that the number of warships of the same nationality present in Netherlands territory, including those already there, does not exceed three.

No foreign military aircraft, whether or not attached to a warship, may at any time fly over or navigate in Netherlands territory without previous permission. Reference is made in this regard to the Decree relating to access of foreign military aircraft.

(2) Previous permission (as referred to in Article 8) must be obtained from Our Minister of Defence to enter the following estuaries or navigate in inland waters situated within Netherlands territory, viz.:

- Terschelling,
- Texel,
- Ijmuiden,
- Hoek van Holland.

(3) The inland waters of the Netherlands shall include all waters situated within the limit of the territorial waters and in particular all rivers, canals, lakes and other bodies of water situated within the boundaries of the Realm.

(4) The limitation on number referred to in paragraph (1) hereof shall not prevent free passage of warships through territorial waters in accordance with international law.

Article 4. (1) When navigating in estuaries and inland waters situated within Netherlands territory, a foreign warship and its boats shall not go outside the buoyed fairways used by the Royal pilots for navigation.

(2) No bearings shall be taken or soundings made except those necessary for safe navigation.

Article 6. (1) A warship of a foreign Power shall not remain in Netherlands territory longer than fourteen consecutive days.

In special cases permission to remain for a period longer than that stated in the preceding part of this paragraph may be granted by Our Minister of Defence.

1 Staatsblad, 1931, No. 237. Translation by the Secretariat of the United Nations.
2 Ibid., 1946, No. G 253.
Article 7. (1) The restrictive provisions of Articles 3 and 6 shall not apply to:

(a) A warship which, as indicated by the ensign or flag flown, carried on board a reigning monarch, a member of a reigning dynasty, the president of a republic, the head of the embassy in the Netherlands of a foreign power or the head of a foreign mission en route to the Netherlands; or to accompanying warships or to stationary aircraft carried on board:

(b) Cruisers policing North Sea fishing by the Powers to which the Treaty of 6 May 1882 (Staatsblad 1884, No. 40) applies;

(c) Foreign warships used exclusively for religious, scientific or humanitarian purposes;

(d) Foreign warships in distress, in danger at sea or damaged; but when, in the opinion of Our Minister of Defence, these circumstances have ceased to exist, the provisions of Articles 3 and 6 shall again become effective.

(2) The exceptions made by sub-paragraphs (a-c) to the restrictive provisions shall apply only to those Powers which accord the same treatment to Netherlands warships.

Article 11. (1) Subject to the restrictions specified in the second paragraph, foreign warships, with stationary aircraft carried on board, may while in Netherlands territory use their radio apparatus on condition that they comply with the General Regulations of the International Radio-telegraph Convention concluded at Washington in 1927.

Article 12. Foreign warships shall respect the police, sanitary and fiscal laws and regulations in force and comply with all port regulations in so far, in all cases, as warships of the Royal Navy are required to do so.

Article 13. (1) Foreign warships shall not within Netherlands territory make hydrographic or topographic surveys, conduct landing drills or, without permission from Our Minister of Defence, engage in firing practice or in exercises entailing the use of torpedoes, searchlights or mines; and submarines shall not navigate under water.

(2) Aircraft forming part of the equipment of a warship shall not take to the air unless permitted by Our Minister of Defence to do so, and of such permission is granted, the said aircraft shall while in flight comply with the provisions of the Decree respecting the access of foreign military aircraft.

Our Minister of Defence may in any particular case impose restrictions or prohibitions in addition to the aforesaid provisions.

(3) Ship's boats shall be unarmed when in use.

(6) No death sentence may be carried out on board a foreign warship within Netherlands territory.

Article 14. If a foreign warship (or its aircraft) sojourning within Netherlands territory contravenes any of the aforesaid provisions, it may be ordered by or on behalf of Our Minister of Defence to depart and may, if necessary, be compelled by force to do so.
Article 15. (1) These provisions shall apply in time of peace to warships, with stationary aircraft carried on board, of foreign Powers not at war.

(3) Foreign warships, and their aircraft, sojourning within Netherlands territory as provided in this Decree shall in every case put to sea within six hours after being requested by or on behalf of Our Minister of Defence to do so.

Note. Act No. 91 of 15 April 1891 and Decree No. 317 of 28 August 1926 (supra, Chapter II, Section A, under Netherlands (c) and (d)) are also applicable to warships. See also: Pilots Act No. 93 of 20 August 1859, article 9(a) (supra, Chapter II, Section A, under Netherlands (b)).

Surinam

(a) Royal Decree of 1 March 1937 to make new regulations respecting the admission of warships of foreign Powers with stationary aircraft carried on board to the territory of the Netherlands Indies, Surinam and Curaçao.

Article 1. In this Decree:
(a) The expression “territory of the Netherlands East Indies, Surinam and Curaçao” means the land territories of the Netherlands Indies, Surinam and Curaçao, together with the territorial waters and the superincumbent air-space;
(b) The expression “internal waters” means all waters lying to landward of the limits of the territorial sea of the Netherlands Indies, Surinam and Curaçao, including specifically all rivers, canals, lakes and pools inside the boundaries of the Netherlands Indies, Surinam and Curaçao;
(c) The expression “Governor” means, in the case of the Netherlands East Indies, the Governor-General, and in the case of Surinam and Curaçao, the Governor of the Territory concerned.

Article 3. (1) Save as otherwise provided in paragraph 3 hereof, it shall be lawful for a warship of a foreign Power, with stationary aircraft carried on board, to enter without previous permission the territory of the Netherlands Indies, Surinam and Curaçao from the sea, provided that its purpose in so entering is to gain access, by the shortest route and in conformity with the provisions of article 4 hereof, to the harbour or anchorage nearest the sea as specified in the Schedule annexed to this Decree in order to anchor therein, and provided that the number of warships, including any warships under the same flag already present within the territory concerned, does not exceed three.

(2) The harbours and anchorages specified in the Schedule referred to in paragraph 1 may be visited without previous permission, provided that notice of the intended visit is given to the Governor in time for the notification.

1 Staatsblad van Nederlandsch-Indië (1937), No. 188; Nederlandsch Staatsblad (1937), No. 944; Gouvernementsblad (1937), No. 27. Translation by the Secretariat of the United Nations.

2 Schedule not reproduced.
tion to reach him not less than seven days before the date of the intended visit.

The notification must state:

1. The number and names of the warships;
2. The names and ranks of their commanding officers;
3. The dates of arrival and departure;
4. The harbours and anchorages to be visited.

(3) A foreign warship wishing to enter a channel giving access to a harbour or anchorage other than those specified in the Schedule referred to in paragraph 1 hereof, or to navigate in the internal waters of the territory of the Netherlands Indies, Surinam and Curaçao otherwise than in conformity with paragraph 1 hereof, must obtain previous permission from the Governor, which may be requested through the diplomatic channel.

(4) The limitation of the number of warships referred to in paragraph 1 shall not affect the free passage of warships through territorial waters, so far as such passage is recognized under international law.

(5) Previous permission shall in every case be required for flights by foreign military aircraft over the territory of the Netherlands Indies, Surinam and Curaçao, whether such aircraft belong to warships or not. Regulations concerning this subject are contained in the Decree respecting the admission of foreign military aircraft.

Article 4. (1) It shall be unlawful for a warship of a foreign power or its boats navigating in the channels and internal waters of the territory of the Netherlands Indies, Surinam or Curaçao to go outside the buoyed fairways.

(2) The taking of bearings and soundings shall not be permitted unless they are essential to safe navigation.

(3) The Governor may ensure strict observance of this provision by ordering that the vessel be accompanied by an officer of the Royal Navy or by a government official appointed by or on behalf of the Governor.

Article 5. In special cases, the Governor may permit exceptions to the provision of article 3 respecting the number of warships.

Article 6. (1) The time during which a warship of a foreign Power may be present within the territory of the Netherlands Indies, Surinam or Curaçao shall not exceed fourteen consecutive days.

In special cases, the Governor may grant permission for a longer stay than that prescribed in the foregoing sub-paragraph.

(2) It shall be unlawful, save with the Governor's permission, for one and the same warship to re-enter any of the channels of the same territory within thirty days after its departure therefrom.

Article 7. (1) The restrictive provisions of articles 3 and 6 shall not apply:

(a) To a warship which, as indicated by the standard or flag flown by it, is carrying a reigning sovereign or the president of a republic nor to any warships with stationary aircraft carried on board escorting such warship;

(b) To a warship of a foreign Power in cases of emergency, danger at sea, or damage to the vessel; as soon as such circumstances have, in the opinion of the Governor, ceased to exist, the provisions of articles 3 and 6 shall resume their effect.
The exceptions made by sub-paragraph (a) above to the restrictive provisions shall apply only with respect to Powers which accord similar treatment to Netherlands warships.

**Article 8.** The permission referred to in article 3 (3) may, in an emergency, be requested through a consular official recognized by the Government or from a local or military authority to be designated by the Governor.

**Article 9.** The local authority referred to in article 8 shall arrange to provide the commanding officer of a foreign warship with a copy of these Regulations and a form to be prepared by the Governor containing a number of questions, which form shall be completed to the best of the commanding officer’s knowledge and belief and returned to the authority which issued it for transmission to the Commander-in-Chief of the Navy, in the Netherlands Indies, or to the Chief State Counsel (Procureur-Generaal), in Surinam and Curaçao.

**Article 10.** (1) A warship of a foreign Power with stationary aircraft carried on board which is present in the territory of the Netherlands Indies, Surinam and Curaçao may, save as otherwise provided in paragraph 2 of this article, make use of its radio equipment, provided that it complies with the International Telecommunication Convention concluded at Madrid in 1932 and the General Radiocommunication Regulations annexed thereto.

(2) A warship of a foreign Power with stationary aircraft carried on board which is present in any harbour or anchorage in the Netherlands Indies, Surinam and Curaçao shall not make use of its radio equipment unless it has received permission to do so from the local naval authority or, where there is no naval authority, from the local harbourmaster.

The provision in paragraph 1 respecting the International Telecommunication Convention and the General Radiocommunication Regulations annexed thereto shall also apply to this paragraph.

(3) The authorities mentioned in paragraph 2 shall also have power to withdraw a permission granted by them if such withdrawal is considered necessary.

**Article 11.** A warship of a foreign Power shall be under a duty to observe the police, health and fiscal laws and regulations in force and to comply with all harbour regulations in so far as warships of the Royal Navy are bound by the same laws and regulations.

**Article 12.** (1) It shall be unlawful for a warship of a foreign Power present in the territory of the Netherlands Indies, Surinam and Curaçao to carry out hydrographical or topographical surveys, conduct landing drills or, without permission from the Governor, hold firing, torpedo, searchlight, smokescreen or mine exercises, and for a submarine to proceed submerged.

(2) It shall be unlawful, except with the Governor’s permission, for the aircraft forming part of the equipment of a warship to make flights; if such permission is granted, they shall be required when making flights to comply with the regulations contained in the Decree respecting the admission of foreign military aircraft.

In addition to the foregoing provisions, the Governor may make further restrictive or prohibitory regulations in any particular case.

(3) Ship’s boats shall not be used unless they are unarmed.

(4) The ship’s company shall not land unless they are unarmed; this provision shall not apply to officers and petty officers in respect of any sword or dagger which forms part of their uniform. With a view to maintaining
public order on shore, advance arrangements must be made with the local authorities referred to in article 8 concerning the number of men that may be permitted to land at the same time.

(5) If it is desired that an exception be made, for the purposes of funeral ceremonies on shore, to the prohibitory provision of paragraph 4 of this article, application for permission must be made to the Governor through the authorities referred to in article 8.

Article 13. If a warship of a foreign Power present within the territory of the Netherlands Indies, Surinam and Curaçao, or any of its aircraft, contravenes any of the foregoing provisions, it may be directed by or on behalf of the Governor to leave and may, if necessary, be compelled by force to do so.

Article 14. (1) These provisions shall apply in time of peace to warships, with stationary aircraft carried on board, of foreign Powers not in a state of war.

(2) Her Majesty's Government reserves the right, in time of war or danger of war, or for the maintenance of neutrality, and in any other special circumstances, to restrict or to prohibit the admission of warships of foreign Powers to the territory of the Netherlands Indies, Surinam and Curaçao, and to withdraw or refuse, in whole or in part, permission to make use of radio equipment.

(3) A warship of a foreign Power with stationary aircraft carried on board which is present in pursuance of this Decree in the territory of the Netherlands Indies, Surinam or Curaçao shall in any case be under a duty to put to sea within six hours after receiving a request by or on behalf of the Governor to do so.

(b) Royal Decree of 26 June 1935 containing provisions concerning the admission of foreign military aircraft to the territory of the Netherlands Indies, Surinam and Curaçao

Article 1. For the purposes of these general administrative regulations:
(a) The expression foreign military aircraft means all aircraft of foreign nationality under the command of a member of the armed forces of foreign nationality who has been designated by the competent authority for this purpose;
(b) The expression territory of the Netherlands Indies, Surinam and Curacao means the land territory of the Netherlands Indies, Surinam and Curaçao, the territorial sea and the air space above the said territory and sea;
(c) The term Governor means, in the Netherlands Indies, the Governor-General, and, in Surinam and Curaçao, the Governor of the Territory concerned.

Article 2. (1) It shall be unlawful for the commanders of foreign military aircraft and the aircraft under their command to be present in the territory of the Netherlands Indies, Surinam and Curaçao without the permission of the Governor.

(2) As a general rule the maximum number of such aircraft, including any military aircraft of the same nationality already admitted to the territory concerned, shall not exceed six.

Article 3. (1) In case of force majeure application for the permission referred to in article 2 may be made through consular officials recognized by the Government or through such local civilian or military authorities as the Governor shall designate.

(2) Such application shall state:
1. The number, type and markings of the aircraft;
2. If the aircraft are equipped with radio, their radio call-signs;
3. Armament;
4. The number and status of the persons on board;
5. The route proposed to be followed by each aircraft;
6. The airfields or airports, permission to land at which is sought;
7. The expected time of arrival and departure.

Article 4. It shall be unlawful for the commanders of foreign military aircraft in the territory of the Netherlands Indies, Surinam and Curaçao to depart from the route authorized by the Governor.

Article 5. (1) It shall be unlawful to carry arms which in the Governor's judgment do not form part of the equipment of the aircraft; ammunition other than signal and starting cartridges; bombs, torpedoes or other projectiles; poisonous gases; or photographic apparatus in working order.

(2) It shall be unlawful to use parachutes for the purpose of leaving foreign military aircraft except in an emergency.

(3) Exemption may be granted by us on behalf of the Governor from the prohibition with respect to arms and ammunition provided they are intended for self-defence, and from the prohibition with respect to the photographic apparatus referred to in paragraph (1).

Article 6. Foreign military aircraft shall, while in the territory of the Netherlands Indies, Surinam and Curaçao, be under a duty to comply with the provisions of the General Radiocommunication Regulations annexed to the International Telecommunication Convention of Madrid, 1932.

(2) It shall be unlawful for foreign military aircraft which have landed in the territory of the Netherlands Indies, Surinam and Curaçao to use their radio equipment without the permission of such local civilian or military authorities as the Governor shall designate.

Article 7. Without prejudice to the provisions of article 8, foreign military aircraft shall be subject in the territory of the Netherlands Indies, Surinam and Curaçao to all general and local orders, regulations and bye-laws in force in the Territory concerned.

Article 8. (1) Foreign military aircraft which land in the territory of the Netherlands Indies, Surinam and Curaçao after having obtained the permission referred to in article 2 shall, in so far as these are applicable, enjoy the same privileges as are accorded to foreign warships.

(2) Foreign military aircraft which, in the Governor's judgment, have landed in the territory referred to in the preceding paragraph for reasons of force majeure or have received orders to do so by signal or other means shall not enjoy the privileges referred to in the said paragraph.
Article 9. When one or more foreign military aircraft have landed in the territory of the Netherlands Indies, Surinam and Curaçao, the local authorities referred to in article 3 shall present to the commander a questionnaire, in such form as the Governor shall determine, for completion to the best of his knowledge.

Article 10. While in the territory of the Netherlands Indies, Surinam and Curaçao, foreign military aircraft may not carry out any flights outside the authorized route unless special permission therefor has been granted by or on behalf of the Governor. Application for such permission may be made through the senior military or naval authorities or, in their absence, the senior civilian authority in the locality, the application to state such of the particulars enumerated in article 3 as may be necessary.

Article 11. In case of force majeure the Governor may, in his discretion, waive compliance with the provisions of articles 2 and 4 and the provisions in force in the Territory concerned relating to immediate landing on the nearest airfield or at the nearest airport in response to the prescribed signal.

Article 12. If the commander of any foreign military aircraft present in the territory of the Netherlands Indies, Surinam and Curaçao contravenes any of the preceding provisions he may be required by or on behalf of the Governor to leave the said territory, together with the aircraft under his command and the crews thereof, by a route specified for the purpose; if necessary, force may be used for the purpose of obliging them to leave.

Article 13. The commanders of foreign military aircraft present in the territory of the Netherlands Indies, Surinam and Curaçao by virtue of the preceding provisions shall be under a duty to leave the territory concerned, together with the aircraft under their command and the crews thereof and by such route as shall be specified for the purpose, within two hours after receiving a request to that effect from or on behalf of the Governor.

Article 14. In time of war or threat of war, or for the purpose of safeguarding neutrality, and in any other exceptional circumstances, we reserve the right to restrict or wholly to prohibit the admission of foreign military aircraft to the territory of the Netherlands Indies, Surinam and Curaçao and to withdraw, wholly or in part, permission for the use of radio equipment.

Netherlands Antilles

Note. The provisions of Royal Decree of 1 March 1937 and those of Royal Decree of 26 June 1935 (both mentioned above under Surinam (a) and (b)) are also applicable in the Netherlands Antilles (Publicatieblad, 1937, No. 38 and Nederlandsch-Indisch Staatsblad, 1935, No. 409, respectively).

Netherlands New Guinea

Note. The two Royal Decrees mentioned above under Surinam (a) and (b) and the Netherlands Antilles (Note) also apply to the Netherlands New Guinea (Royal Decree of 1 March 1937 published in: Nederlandsch-Indisch Staatsblad, 1937, No. 188; Government Decree of 18 September 1937 (ibid., 1937, No. 535) contains provisions for the implementation of this Royal Decree).

Articles 9, 10 and 16 of the Territorial Sea and Maritime Districts Decree, 1939 (supra, Chapter II, Section A, under Netherlands New Guinea (a)), also apply to warships and military aircraft.
Nicaragua

General Regulations concerning Customs and Ports, 15 November 1886, articles 8, 102 and 115 (supra, Chapter II, Section A, under Nicaragua)

Norway

(a) Regulations for the admittance of foreign warships and military aircraft into Norwegian territory during times of peace, established by Royal Decree of 19 January 1951

Preliminary provisions

Article 1. These regulations for the admittance to, and stay in, Norwegian territory of foreign warships and military aircraft are only applicable when both Norway and the foreign power to which the craft belongs are in a state of peace.

Regulations for the admittance of foreign warships and military aircraft into Norwegian territory associated with joint defence exercises, will be established by the Ministry of Defence according to the nature and object of the exercise in each individual case.

Article 2. By warship and military aircraft is meant in these regulations any ship (also auxiliary vessels) or aircraft which belongs to the forces (under military command) of a country whose government is recognised by Norway. Likewise any other ship or aircraft which is demanding immunity as a warship or a military aircraft.

Article 3. In these regulations Norwegian territory stands for all Norwegian land and sea territory and the air above it.

Article 4. In these regulations Norwegian interior waters stands for Norwegian ports, entrances to ports, bays and fjords as well as such areas of Norwegian waters as are situated between Norwegian islands, islets, and rocks, which are not constantly submerged, or situated between these and the mainland.

Article 5. The boundaries of Norwegian war-port areas are established by a separate Royal decree.

Regulations for warships

Article 6. With the exceptions established by article 7 foreign warships are only admitted to Norwegian territory after having procured permission to do so through diplomatic channels.

Article 7. From the rule in article 6 are excepted:

a. Ships which only undertake innocent passage through the outer waters (territorial sea, mer territoriale). Stopping or anchoring may not take place, unless it is absolutely necessary for the safety of the ship.

b. Ships which are appointed and equipped for fishery inspection duties only and which do not call at or pass through war-port areas. Notice with information as demanded in article 17 and information concerning the

1 Text of Regulations provided by the Permanent Mission of Norway to the United Nations.
area where inspection is carried out must, however, always be submitted through diplomatic channels not later than 7 days before the intended call takes place.

For visits lasting more than 14 days, and for calls at a Norwegian port or in interior waters with less than 30 days interval, permission must be procured pursuant to the principal rule in article 6, cf. articles 8 and 18.

c. Ships which are obviously in distress. Such a ship shall as soon as practicable and in the quickest possible way report the arrival either to the naval, police, or harbour authorities. If such request evidently could not have been sent immediately, it must be forwarded later through diplomatic channels.

Article 8. Generally not more than 3 warships, as a maximum, belonging to the same foreign Power ought to be given permission to stay simultaneously within each of the following 2 sections of the coast:

The frontier between Norway and Sweden—the county boundary line between N. Trøndelag and Nordland counties (N. Lat. 65°10').—The county boundary line between N. Trøndelag and Nordland counties—Grense Jacobselv.

Foreign warships having left a Norwegian port or anchorage ought, generally, not to be allowed to re-enter Norwegian interior waters within a shorter period than 30 days. These regulations are also applicable to warships which are used for fishery inspection duties, cf. article 7b, second paragraph.

Article 9. Submarines belonging to foreign Powers shall in Norwegian maritime areas always be fully on the surface so that the whole conning tower and the deck with ordinary freeboard is above the surface. They shall always have their national colours hoisted when they are not lying moored or at anchor in the port of call, permitted to them.

Foreign submarines navigating submerged in Norwegian waters may be compelled by force to come to the surface.

Regulations for military aircraft

Article 12. Foreign military aircraft are permitted to call at or pass over Norwegian territory only after having procured permission through diplomatic channels.

Article 13. From the rule in article 12 military aircraft is excepted:

a. Which is carried on board a warship during permitted stay in Norwegian territory (see, however, article 15), or

b. Which is in distress. Aircraft which has made a forced landing on Norwegian territory shall as quickly as possible report this to the nearest police authority which at once is to inform the nearest salvage centre and military air-port.

Article 14. Military aircraft having obtained permission to call at or pass over Norwegian territory shall:

a. Comply with international regulations in force for civilian aeronautics and special regulations which, as regards the safety of flying, have been authorised for flying over and landing on Norwegian territory.

b. Not without admittance procured beforehand fly over, or land in, areas on which Norwegian authorities have proclaimed prohibition against flying, and they shall comply with other regulations in force as well,
c. Not carry ammunition, bombs, rockets, photographic plates, or film without having procured permission in advance.

d. Submit to what control Norwegian authorities might think necessary in order to ensure that the regulations are being complied with.

**Article 15.** If military aircraft which are carried on board foreign warships wish to fly over Norwegian territory, permission must be applied for through diplomatic channels.

**Article 16.** When a foreign military aircraft calls at a Norwegian port or airfield the captain of the craft shall comply with the regulations being issued by the proper authority as regards anchoring or mooring accommodation and other order and landing instructions.

**General regulations**

**Article 18.** Generally the stay of a foreign warship or military aircraft in a war-port area, ought not to be extended to more than 8 days, in the territory of the Kingdom otherwise 14 days.

These regulations apply also to warships serving as fishery inspection ships, cf. article 7b, second paragraph.

**Article 19.** In or above Norwegian territory foreign warships and military aircraft are allowed to use their radio sets provided that they comply with:

a. The rules which are established in the International Telecommunication Convention in force with appurtenant Radio Regulations, the regulations for the aeronautic radio service being in force as established by the International Convention of Aeronautic Organisation (I.C.A.O.), and the special regulations for the use of radio sets in Norwegian territory in force at the time being.

b. The rules established for the use of radio stations on board the warships and military aircraft of foreign non-belligerent Powers when visiting Norwegian territory in times of peace (vide annex 2).

Foreign military aircraft being at a Norwegian airfield (seaplane port) must only make use of its radio installations to the extent necessary for communication with the local ground control.

**Article 20.** The crew of a foreign warship or military aircraft which is visiting Norwegian territory must not without special permission come into or near territory where battery, fortification, or other military works exist, or into territory which is fenced by military authority.

The same applies to persons who are carried on such warship or military aircraft without belonging to the crew of same.

**Article 21.** It is prohibited for anyone on a foreign warship or military aircraft to make maps or charts or sketches of the ports, fairways, airfields, seaplane bases, or other territory of the Kingdom.

Other measurements or soundings than such as are necessary for the safety of the ships or the aircraft must not be taken.

It is also prohibited to make charts, sketches, photos, or descriptions of Norwegian fortifications or constructions etc. belonging to these (vide the Act concerning secrets of national defence, dated 18 August 1914, article 3).

**Article 22.** Without special permission procured through diplomatic channels (cf. however, article 1, second paragraph) no foreign warship or military aircraft must on Norwegian territory undertake:
a. Gunnery practice (except firing of salutes).
b. Firing of torpedoes, firing of rifles, machine guns, or other weapons.
c. Exercises involving the laying and sweeping of mines.
d. Exercises with searchlights.
e. The laying of artificial fog and smoke screens.
f. The dropping of bombs and other objects of military nature.
g. Other similar military exercises and manoeuvring in connection with warlike exercises.

Article 23. Armed forces must not be landed except on extraordinary occasions, and then only after permission procured from the military authority concerned.

Boats which belong to a foreign warship or military aircraft must in Norwegian waters not be armed or carry armed forces without having obtained permission beforehand according to the rules in the preceding paragraph.

Besides, the crew shall, when going ashore (is given leave or leaving its aircraft), be unarmed. Officers, petty officers, and midshipmen may, however, carry such arms as belong to their uniform.

Article 24. The captain of a foreign warship or military aircraft shall comply with the sanitary, customs, pilot, traffic, harbour, and order regulations issued by the authorities concerned. Moreover, on visiting war-port areas or military airfields the particular regulations issued by the local military commander shall be complied with.

Article 25. If the captain or the crew of a foreign warship or military aircraft does not comply with the rules issued, for the stay of the ships and the aircraft in Norwegian territory they will be made aware of it by the military authorities concerned at the place, or in the district of command, and enjoined to comply with the rules.

If there is no military authority at the place such request may be made directly from the local civilian authorities, provided the question is about infringement of the regulations mentioned in article 24, first period (cf. articles 11 and 16).

If the request is not being complied with the warships or military aircraft may, through the military authorities, be enjoined to leave Norwegian territory immediately or, at the latest, within 6 hours.

Foreign warships or military aircraft may also be enjoined at any time to leave Norwegian territory without any reason as stated in the preceding paragraph being at issue.

(b) Royal Decree of 11 July 1947

The following instructions are laid down for civil servants required to assist the naval authorities in coastal patrol operations:

1. It shall be the duty of master pilots, deputy master-pilots, pilots, harbour-masters, customs' officers, firemen, police officers, bailiffs, managers of State telegraph offices and telephone exchanges and chief inspectors of fisheries, in time both of war and of peace, to assist the naval authorities in the performance of their coastal patrol functions and in their efforts to

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1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
ensure compliance with the provisions for the time being in force concerning
the admission of foreign warships to Norwegian ports and waters.

6. When a foreign warship arrives at a Norwegian open port where no
Norwegian warship is present, the harbour-master, harbour officer or, in
default of any such official, the responsible master pilot or deputy master-
pilot shall inform the ship’s master of the provisions governing the admission
of the ship to Norwegian ports by supplying him with a copy of the relevant
printed regulations.

This shall also be done by a pilot who boards a foreign warship for the
purpose of piloting the same.

When a foreign warship in Norwegian waters requests a pilot, no pilotage
shall be furnished unless the pilot is notified by the Norwegian authorities
that the State to which the ship belongs has obtained permission for, or
given notice of, the ship’s arrival in accordance with the regulations in
force. If there is reason to believe that the absence of such notification is
due to communications difficulties, pilotage may be furnished to the nearest
port at which there is a pilot station. This provision shall not apply in
respect of a ship in distress.¹

If a foreign warship remains in a Norwegian port etc. beyond the per-
mittted period, the competent naval authority shall be so informed as
quickly as possible.

7. No person may, without special authorization, make, reproduce or
publish any map or cartographic sketch of Norwegian ports or waters
(territorial sea) or take any measurements or soundings other than those
necessary for safe navigation in waters customarily used for navigation.

It shall likewise be unlawful to make, reproduce or publish any map,
sketch, drawing, photograph or description of Norwegian fortifications,
including ancillary structures and the like (see Defence Secrets Act of
18 August 1914, article 3).

Any contravention of these provisions shall be notified to the competent
naval authority, together with all particulars which may be material to a
judgement of the case.

(c) Regulations governing the boundaries of war-port areas,
established by Royal Decree of 17 February 1950 :

The following Norwegian waters are stipulated as war-port areas:

(a) The Oslofjord and the waters within the imaginary line drawn
through:

<table>
<thead>
<tr>
<th>Point/Marker</th>
<th>Lat. (°)'N</th>
<th>Long. (°)'E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Point XX of the frontier (a buoy)</td>
<td>58°56,5</td>
<td>10°55,4</td>
</tr>
<tr>
<td>Midtre Heiaflu</td>
<td>58°56,8</td>
<td>10°53,4</td>
</tr>
<tr>
<td>The skerry at the South point of Ertholmen in Rauer</td>
<td>58°58,6</td>
<td>10°14,1</td>
</tr>
<tr>
<td>The skerry south of Tvisteinen light</td>
<td>58°56,1</td>
<td>9°56,6</td>
</tr>
<tr>
<td>Napa beacon</td>
<td>58°56,8</td>
<td>9°52,9</td>
</tr>
<tr>
<td>South point of the mainland by Mauresund</td>
<td>58°57,4</td>
<td>9°51,8</td>
</tr>
</tbody>
</table>

¹ This paragraph has been added by the Royal Decree of 3 June 1949.
² Text of Regulations provided by the Permanent Mission of Norway to the
United Nations.
(b) Kristiansand and the waters within the imaginary line drawn through:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Årosvåten</td>
<td>58° 4,0'N</td>
<td>7°50,0'E</td>
</tr>
<tr>
<td>Songvær light</td>
<td>58° 0,9'N</td>
<td>7°49,0'E</td>
</tr>
<tr>
<td>Lille Svarten</td>
<td>58° 2,9'N</td>
<td>8° 1,4'E</td>
</tr>
<tr>
<td>Meholmskjer</td>
<td>58° 5,6'N</td>
<td>8°11,9'E</td>
</tr>
<tr>
<td>Langbåskjer</td>
<td>58° 6,4'N</td>
<td>8°15,4'E</td>
</tr>
<tr>
<td>East point of Krygholmen</td>
<td>58° 7,2'N</td>
<td>8°14,4'E</td>
</tr>
</tbody>
</table>

(c) Stavanger and the waters within the imaginary line drawn through:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tangerhaug beacon</td>
<td>58°49,1'N</td>
<td>5°32,8'E</td>
</tr>
<tr>
<td>Feistien light</td>
<td>58°49,5'N</td>
<td>5°30,5'E</td>
</tr>
<tr>
<td>Hangsøy beacon-tower</td>
<td>58°52,7'N</td>
<td>5°26,3'E</td>
</tr>
<tr>
<td>Imsen beacon-tower</td>
<td>59° 0,6'N</td>
<td>5°22,3'E</td>
</tr>
<tr>
<td>Klepp light</td>
<td>59°10,2'N</td>
<td>5°23,0'E</td>
</tr>
<tr>
<td>Smorstakk light</td>
<td>59°15,0'N</td>
<td>5°21,3'E</td>
</tr>
</tbody>
</table>

(d) Bergen and the waters within the imaginary line drawn through:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fonnes (The east side of Lygrefjord)</td>
<td>60°48,5'N</td>
<td>4°57,0'E</td>
</tr>
<tr>
<td>Hellesøy light</td>
<td>60°45,1'N</td>
<td>4°43,0'E</td>
</tr>
<tr>
<td>Leslie Odde</td>
<td>60°41,5'N</td>
<td>4°42,0'E</td>
</tr>
<tr>
<td>Gangvarskjær</td>
<td>60°38,4'N</td>
<td>4°43,2'E</td>
</tr>
<tr>
<td>Herboskjær</td>
<td>60°18,8'N</td>
<td>4°53,5'E</td>
</tr>
<tr>
<td>Hufteskjær</td>
<td>60°15,7'N</td>
<td>4°55,2'E</td>
</tr>
<tr>
<td>Marsteinen</td>
<td>60° 7,9'N</td>
<td>5° 1,0'E</td>
</tr>
<tr>
<td>Salturholmen</td>
<td>60° 4,9'N</td>
<td>5°18,0'E</td>
</tr>
<tr>
<td>Svarthelleren</td>
<td>60° 5,0'N</td>
<td>5°22,4'E</td>
</tr>
<tr>
<td>Dalhovde</td>
<td>60° 8,5'N</td>
<td>5°36,5'E</td>
</tr>
</tbody>
</table>

(e) The Trondheimsfjord and the waters within the imaginary line drawn through:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bjugnsnes</td>
<td>63°46,3'N</td>
<td>9°34,0'E</td>
</tr>
<tr>
<td>West point of Storfosen</td>
<td>63°40,0'N</td>
<td>9°22,5'E</td>
</tr>
<tr>
<td>Kongsvoll</td>
<td>63°33,8'N</td>
<td>9°24,0'E</td>
</tr>
</tbody>
</table>

(f) The waters including Ofoten, Harstad and Tromsø within the imaginary line drawn through:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nordøy (Otternakken)</td>
<td>68°15,9'N</td>
<td>15°58,0'E</td>
</tr>
<tr>
<td>Skarvhausen light</td>
<td>68°18,1'N</td>
<td>15°40,2'E</td>
</tr>
<tr>
<td>Andenes</td>
<td>69°15,8'N</td>
<td>16°13,0'E</td>
</tr>
<tr>
<td>Måneset</td>
<td>69°25,0'N</td>
<td>16°52,0'E</td>
</tr>
<tr>
<td>The coast of Senja to Kjølva</td>
<td>69°36,0'N</td>
<td>17°30,0'E</td>
</tr>
<tr>
<td>Klokkerholmen</td>
<td>69°57,0'N</td>
<td>18°43,0'E</td>
</tr>
<tr>
<td>The coast of Ringvassøy to Avloysinga</td>
<td>70° 3,0'N</td>
<td>19°30,0'E</td>
</tr>
<tr>
<td>Klubben</td>
<td>70° 6,0'N</td>
<td>19°42,0'E</td>
</tr>
<tr>
<td>The coast of Vannøy to Fakkkejeila</td>
<td>70° 6,0'N</td>
<td>20° 8,0'E</td>
</tr>
<tr>
<td>Arnoøy, west side</td>
<td>70° 5,8'N</td>
<td>20°23,0'E</td>
</tr>
<tr>
<td>The coast of Arnoøy to Singlen</td>
<td>70° 3,0'N</td>
<td>20°48,0'E</td>
</tr>
<tr>
<td>Kvineset</td>
<td>70° 2,0'N</td>
<td>20°48,0'E</td>
</tr>
<tr>
<td>The coast of Kågen to Skognes</td>
<td>69°57,5'N</td>
<td>20°58,5'E</td>
</tr>
<tr>
<td>Mikkelvik</td>
<td>69°56,5'N</td>
<td>21° 0,5'E</td>
</tr>
</tbody>
</table>
(g) Vardø and the waters within the imaginary line drawn through:
Kistefjell .................. Lat. 70°24,3'N Long. 30°59,5'E
Skagen beacon-tower .......... Lat. 70°24,3'N Long. 31°4,8'E
Reinøyskjær ................ Lat. 70°24,2'N Long. 31°7,7'E
Kåhneset ..................... Lat. 70°23,9'N Long. 31°0,3'E
Staurneset ................... Lat. 70°23,4'N Long. 31°10,2'E
The north-east point of Hornøy ..... Lat. 70°23,2'N Long. 31°10,5'E
and further due south until it meets a line drawn due east from the Dome (Lat. 70°20,0'N Long. 31°2,5'E).

Peru

(a) Regulations governing visiting foreign warships and military aircraft, enacted by Presidential Decree No. 19 of 25 June 1946

The President of the Republic,

Considering

That by virtue of the practice of nations and considerations of national security and protection on which the principles of sovereignty over territorial waters are based it is universally recognized that a State has specific rights to exercise control in the territorial belt; and

That it is necessary for the purpose of such control to enact provisions which regulate the passage, visits and presence of warships and Government vessels of foreign nations through or in the territorial waters and ports of Peru;

Hereby decrees as follows:

Article 1. (a) The local authorities are hereby empowered, in any case in which they consider it necessary to do so for reasons of security and national defence, to prohibit or restrict access to territorial waters by foreign warships or Government vessels and to designate specified limits for manoeuvres, gunnery practices and the flight of aircraft, the said restrictions to be set forth in instructions in writing which shall be delivered to the diplomatic representative of the country to which the ship in question belongs or to the commanding officer of the ship on its arrival.

(b) The local authorities shall likewise issue instructions concerning navigation, anchorages and the approaches thereto, compulsory pilotage and the protection of buoys and submarine cables.

Article 2. Consistent with its interpretation of the principle of freedom of the seas, the Peruvian Government hereby grants to warships, Government vessels and merchant ships the right of innocent passage through its territorial waters in the broadest terms in time of peace. This right is also granted to submarines, on the condition that they navigate on the surface.

Article 3. Every warship which enters a Peruvian port shall be subject to the health regulations in force in Peru concerning the production of bills of health, quarantine, medical inspection of ships, etc., and must observe the provisions of all agreements and international conventions which refer specifically to regulations respecting public health.

1 Text of Regulations provided by the Ministry for Foreign Affairs of Peru.
Article 4. Military ports may be closed to warships, Government vessels or merchant ships for security reasons, and if declared closed as aforesaid notice of the declaration shall be given to the diplomatic representatives of the country which announces the arrival of any such ship.

For analogous reasons, the passage of any type of unit through Peruvian territorial waters may be prohibited.

Article 5. The entry of foreign warships into commercial ports shall be subject to such restrictions, affecting the number of ships and the duration of the visit, as the national authorities may prescribe.

Article 6. The absence of restrictions of the nature described in the preceding article shall be deemed to imply that the ports in Peruvian territory are open to visiting warships of any nation whatsoever.

Article 7. If a foreign warship, Government vessel or merchant ship seeks shelter from stress of weather or is compelled to take shelter owing to some damage, it may, without restriction and without prior notice, enter any port, cove, roadstead or estuary of the Pacific seaboard of Peru.

Visits

Article 8. For the purposes of this Decree, the term “warship” means any ship which forms part of the armed forces of a State and which is manned by a crew subject to naval discipline and under the command of an officer in the active service of the Navy.

The provisions hereof shall also apply to hospital ships and to the ships of scientific or philanthropic expeditions which are under the command of an officer of the armed forces.

Article 9. In the absence of treaties, conventions or agreements, the ports of the Pacific seaboard shall be open to foreign warships, subject to the proviso that when entering and while present in the said ports, they observe strictly the conditions which govern this admission as stipulated in the reply from the Foreign Office to the communication announcing their visit.

Article 10. The admission of the ships referred to in article 8, second paragraph, shall be subject to reciprocity.

Article 11. Before a warship proceeds to a port of the Pacific seaboard, its visit should normally be announced to the Foreign Office by a communication from the diplomatic representatives of the country to which the warship belongs.

In some cases, if a ship or squadron is compelled by force majeure to put in at a Peruvian port, this communication may contain merely the notice given by the commanding officer.

Article 12. The communication referred to in the first paragraph of the preceding article shall be transmitted through the diplomatic channel not less than seven (7) days before the visit announced therein.

Article 13. A visit by a foreign warship to a Peruvian port and to Peruvian territorial waters in time of peace may be:

either (a) an official visit;
or (b) a non-official visit.

A visit shall be deemed to be an official visit if described as such in the relevant communication addressed to the Government of Peru, through the diplomatic channel, or if made at the invitation of the said Government.
A visit shall be deemed to be a non-official visit if expressly described as such in the relevant communication addressed to the Government of Peru, through the diplomatic channel.

**Article 14.** The communication to the Peruvian Government announcing a non-official visit by a warship or warships to Peruvian ports and waters shall mention the following particulars:

(a) The number of visiting warships;
(b) The name and class of each vessel;
(c) The name and rank of the commanding officer of the force;
(d) The approximate date of arrival.

**Article 15.** In any case in which not more than three foreign warships are concerned, admission to Peruvian ports shall not be conditional on a special permit; nevertheless, the communication referred to in article 11 should be transmitted in all cases.

**Article 16.** As a general rule, not more than three warships of the same nationality shall be present simultaneously in a military port, whether a fortified port or not; if that number is exceeded, a special permit is required.

**Article 17.** These provisions do not apply to the admission, presence or departure of belligerent warships to, in or from Peruvian ports and Peruvian territorial waters; the treatment of such ships will be governed by the rules of international law.

**Article 18.** Foreign warships may not engage in topographical or hydrographical operations in Peruvian territorial waters or in Peruvian ports unless they have obtained special authorization for this purpose.

**Article 19.** Merchandise or articles of commerce shall not be loaded or unloaded by foreign warships anchored in Peruvian ports or in Peruvian territorial waters unless the permission of the competent authorities has first been obtained.

**Article 20.** Units of troops in formation, whether armed or not, shall not be disembarked unless special authorization has first been obtained, which shall be requested through the diplomatic channel.

**Article 21.** The conditions respecting shore-leave and the number of men who may go ashore at any one time, the times at which they may do so, and the times of returning on board shall be settled by mutual agreement between the maritime authority of the port and the commanding officer of the ship.

**Article 22.** The disembarkation of patrols to supervise foreign personnel ashore shall not be permitted; nevertheless, if such patrols (which shall be unarmed) are necessary in view of the number of men going ashore and because the local police force is inadequate, then the commanding officer of the ship shall apply to the political authority of the Department or Province, through the maritime authority, for the necessary authorization and the particular conditions governing the disembarkation and operations of the patrols shall be laid down in this authorization.

**Article 23.** Foreign warships in Peruvian ports shall enjoy immunity in conformity with established international practice.

**Article 24.** The conditions attached to the admission of foreign warships to Peruvian ports and Peruvian waters shall be construed in a generous spirit.
Article 25. Offences committed by members of the crew of a warship, and any failure to observe the conditions governing admission, shall be dealt with through the ordinary diplomatic channel.

Article 26. In the case of a continuing offence the authorities may report the circumstances to the commanding officer, and if offences recur thereafter the ship may be required to leave the port.

Article 27. Government or private vessels in which monarchs, heads of State or high diplomatic representatives accredited to Peru are travelling and which are commanded by naval officers, shall receive the same privileged treatment as is accorded to warships.

Article 28. In conformity with the humanitarian rules of international law, the Government of Peru undertakes to respect the right of asylum on board warships enjoyed by persons who are accused of political offences and who apply for such asylum.

Persons who have taken asylum on warships for political reasons shall not be allowed to communicate with the shore or with political parties.

Article 29. Even though their jurisdiction does not extend to foreign warships, the local authorities shall render assistance to the commanding officer of any ship who requests assistance in the event of disorders or offences which have occurred or have been committed on board and which are capable of producing effects outside the ship.

Article 30. If disorders occur which endanger the peace and tranquillity of the port, the ship may be required to leave the port and the authorities may take steps to prevent acts of violence.

Article 31. In conformity with established international practices, the Government of Peru recognizes the exterritorial status of commanding officers, officers and members of the crew who are ashore in uniform, and also of officers in civilian dress who are engaged on some mission connected with the service of the ship.

Article 32. The local police authorities shall not assist in the capture of deserting members of the crew unless the diplomatic or consular representatives have requested their assistance.

In such cases the local authorities shall deliver the deserting members of the crew to the commanding officer of the vessel, and if the warship has weighed anchor they shall place the deserters at the disposal of the consul.

Visits of ships carrying aircraft

Article 33. If the visiting ship carries aircraft, the communication announcing the visit shall state this fact and give particulars of the number and type of aircraft.

Article 34. Flights by aircraft carried on foreign warships anchored in Peruvian ports or territorial waters shall not be permissible until the authority of the Ministry of Marine has been obtained. The application for this authority may be made in the communication referred to in article 14, or during the ship's presence in the port, through the competent maritime authority . . .

Article 35. Aircraft authorized to fly over Peruvian waters must observe the provisions of the Peruvian Aerial Navigation Act at present in force, the use of cameras being prohibited.
Article 36. Every foreign aircraft authorized to make flights must comply with the International Convention relating to the Regulation of Aerial Navigation, signed in Paris on 13 October 1919 and amended during the years 1928-1933.

Use of radio

Article 39. As a general rule, the use of wireless communications by foreign warships during their presence in ports and waters under Peruvian jurisdiction shall not be restricted; nevertheless, the State reserves the right to restrict or suspend the use of such communications if this action is considered advisable for reasons of national security or national interest.

(b) Lettre en date du 8 août 1935 de l’État-Major général de la marine au Ministère de la marine et de l’aviation, adressée au Ministre des affaires étrangères

Monsieur le Ministre des Affaires étrangères,

En réponse à votre lettre n° 229, à laquelle était jointe une copie de la note n° 47 du 13 juillet adressée à votre ministère par le ministre de la Grande-Bretagne, demandant des éclaircissements sur quelques paragraphes de notre règlement concernant l’escale et le séjour des navires et aéronefs militaires dans les ports et eaux territoriales du Pérou, j’ai l’avantage de porter à votre connaissance ce qui suit:

Section 9—alinéa 2

a) L’objet de l’alinéa 2 de la section 9 est de délimiter les baies par des lignes d’entrée bien définies, quand les baies ont une ouverture supérieure à 6 milles et inférieure à 20 milles.

Telle est l’opinion de l’État-Major général de la marine sur les eaux territoriales.

Section 3—alinéa a

b) Notre règlement dit: Le séjour des navires et des aéronefs de guerre étrangers est illimité (unlimited). Il paraît que l’alinéa a a été interprété inversement.

Note. See also: Port Authorities and National Mercantile Marine Regulations, 1 January 1952, articles 307-309, 314-323, 614 (supra, Chapter II, Section A, under Peru).

Philippines

Executive Order No. 153 of 9 July 1948

1. All foreign men-of-war when entering Philippine waters are required to fly the international flag of quarantine, drop their anchor at the quarantine anchorage and wait for the quarantine officer who shall perform the quarantine inspection.

However, upon proper representations of the officials of the foreign government, radio pratique may be granted. The Bureau of Quarantine

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2 Text of order provided by the Ministry of Foreign Affairs of Philippines.
should be informed through the fastest means possible of the details regarding the existence or non-existence of any infectious disease on board the vessels and the immunization status of the officers and crew. These details should be relayed to the Bureau of Quarantine by a radiogram signed by the medical officer of the vessel. In the event a radio pratique is granted, the vessel will be boarded soon after its docking, for procurement of quarantine data.

2. Government vessels coming from abroad are not subject to the provisions of the customs law. They are, however, subject to the quarantine laws and regulations of the Philippines.

Said vessels which are permitted to call at Manila may safely pass the north or south channel of Corregidor without the need of pilotage service. Upon arrival in Manila and after release by the quarantine authorities, they will be given pilotage service to place them in the anchorage that will be assigned to them by the Bureau of Customs.

3. The Philippine Naval Patrol will return salutes rendered by foreign men-of-war entering Manila Harbor. It is customary for saluting vessels to fire their salute at Lat. 14°34'25"N Long. 120°57'17" E at the entrance of the south breakwater.

The Headquarters, Philippine Naval Patrol, Dewey Boulevard, Manila, should be notified at least 48 hours in advance of the intention of foreign men-of-war to fire the National salute upon entering the Harbor of Manila.

Poland

Order of the President of the Republic Concerning the Safety of Seagoing Ships, 24 November 1930, Article 52 (Supra, Chapter II, Section A, Under Poland (b)); Decree of 23 March 1956, Article 25 (Supra, Chapter II, Section A, Under Poland (g))

Roumanie

Décret No. 39 Du 28 Janvier 1956, Article 8 (Supra, Chapitre II, Section A, Roumanie (a))

Sweden

(a) Royal Notice No. 467 of November 1925 on Access of Foreign Warships and Military Aircraft to Swedish Territory in Peace-Time, as Amended

Chapter I

Introductory provisions

Article 1. The provisions of the present Notice concerning access of foreign warships and military aircraft to Swedish territory shall apply in

1 Svensk Författningssamling, 1925, No. 467. Text of Notice and Amendments thereto provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
respect of periods when both Sweden and the foreign Power to which such warships or aircraft belong are at peace.

In other circumstances, the situation shall be governed by special provisions.

Article 2. For the purposes of this Notice, the term “Swedish territory” means all Swedish land and water, including the air space thereover.

Swedish territory shall extend seawards for a distance of four nautical miles, or 7,408 metres, from the territory of the Kingdom or from lines representing the seaward boundary of inner territorial waters (see article 1 of the Customs Decree of 7 October 1927 and the Royal Letter of 4 May 1934 concerning the establishment of the boundaries of the Swedish Customs territory, together with the relevant charts).

Article 3. (1) The waters referred to in article 2 shall comprise inner and outer territorial waters.

(2) For the purposes of this Notice, the term “Swedish inner territorial waters” means:

(a) Swedish lakes, watercourses and canals;
(b) Swedish harbours, harbour entrances and bays; and
(c) That portion of Swedish territorial waters situated inshore of and between Swedish islands, islets and drying rocks; provided that in the Sound, north of the latitude of Klagshamn light, only Swedish harbours and harbour entrances shall be regarded as Swedish inner territorial waters.

CHAPTER II

Warships

Article 7. Save as otherwise provided by diplomatic agreement, not more than three warships of a foreign Power may remain at the same time, within the same naval district, at a Swedish naval port or in Swedish inner territorial waters not belonging to a naval port.

Article 8. (1) When a foreign warship is proceeding within a Swedish naval port or within Swedish inner territorial waters not belonging to a naval port, the commanding officer shall not follow any course other than a pilot’s fairway set out in the current schedule of pilot’s fairways, and, except as otherwise provided, he shall have recourse to the services of a duly licensed Swedish pilot.

(2) Unless there are compelling reasons to the contrary, a foreign submarine shall remain on the surface while in Swedish territorial waters and shall at all times fly its national ensign.

(b) Royal Notice No. 468 of 21 November 1925 concerning the reporting of movements of foreign vessels off the coasts of the Kingdom, and the pilotage of foreign warships in Swedish territorial waters, as amended ¹

Article 1. When a foreign warship, other than a Danish warship in the Sound, is sighted off the coasts of the Kingdom, or anchors in or departs

¹ Ibid., 1925, No. 468. Text of Notice and Amendments thereto provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
from Swedish territory, the competent pilot-station superintendent (senior pilot) or lighthouse-keeper or a customs coastguard or the commanding officer of a customs maritime patrol vessel shall report such fact by telegraph or telephone to the competent chief of naval district in accordance with the regulations made by the Pilotage Board or, as the case may be, by the General Customs Administration, in consultation with the Commander-in-Chief of the Navy. If any other foreign vessel or craft is observed and its course or its method of manoeuvering or some other circumstance gives reason to suspect that it is engaged in some unlawful activity directed against the Kingdom or the inhabitants thereof, a report shall also be made as aforesaid. When such a report is received, it shall be forwarded without delay through the chief of naval district to the Commander-in-Chief of the Navy, who shall inform the Head of the Ministry of Defence and the Commander-in-Chief of the Armed Forces if there appears to be reason to do so.

Nevertheless, during such time as the naval coastguard is wholly or partly mobilized or organized and a detachment of that coastguard has been mobilized or organized at a pilot or lighthouse station, responsibility for reporting as aforesaid shall devolve upon the competent naval personnel.

Article 2. Pilotage and lighthouse staff and the staff of the customs coastguard shall ensure that the provisions concerning warships of Royal Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peacetime are strictly complied with, and shall, as prescribed in article 1 of the present Notice, report every offence against the said provisions as well as any observations concerning other foreign vessels or craft as provided in article 1. Any reports as referred to in article 6, paragraph (3), of the first-mentioned Notice which are received by the said staff shall be forwarded without delay to the competent chief of naval district.

Article 3. When due permission has been received for a foreign warship to visit a Swedish naval port, or Swedish inner territorial waters not belonging to a naval port, notice to that effect shall be given through the Orders Office of the Defence Command to the competent superintendent of pilotage for communication to the senior pilots and pilot-station superintendents under his jurisdiction.

Article 4. A licensed pilot may not pilot a foreign warship into a Swedish naval port or into Swedish inner territorial waters not belonging to a naval port unless permission has been granted as provided in article 3. The foregoing provision shall not, however, apply in the case of a vessel entitled without such permission to enter a naval port or territorial waters as aforesaid.

Article 5. A foreign warship may be conducted by a licensed pilot in Swedish territorial waters only through a pilot’s fairway.

(c) Royal Notice No. 627 of 21 October 1928

His Majesty is pleased to order that the provisions of article 6, article 8 paragraph 1 and chapter IV of Notice No. 467 of 21 November 1925 relating to the access of foreign warships and military aircraft to Swedish territory in peacetime, and the provisions of article 2, article 3, article 4 and

1 Ibid., 1938, No. 627. Text of Notice provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
article 5 of Notice No. 468 of 21 November 1925 on the reporting of the movements of foreign warships off the coast of the Realm and the pilotage thereof in Swedish territorial waters, shall also apply to a vessel owned or operated by a foreign Power, used as a training ship or pleasure craft and not flying a naval flag, whether the Power to which the vessel belongs is at peace or not.

(d) Royal Notice No. 66 of 27 February 1953 concerning access of foreign military aircraft to Swedish territory

Notwithstanding the provisions of article 11 of Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peacetime, a foreign military aircraft, if used for civil aviation purposes and not carrying firearms or explosives, may, after receiving permission to do so from the Aviation Board in consultation with the Defence Chief of Staff, fly over, land in and depart from Swedish territory, subject to compliance with the conditions and regulations laid down in connexion with the grant of such permission.

Union of South Africa

Public Health Act No. 36 of 1919, section 70

(a) Provisional Rules of 28 March 1931 for foreign warships visiting USSR waters

Article 1. Foreign warships shall be permitted to stay at USSR ports with the authorization of the organs of the USSR Government.

Article 2. As a general rule, not more than three warships of any one State shall be permitted to stay at any one time in the same USSR port, and the maximum length of stay for each ship shall be ten days.

Article 3. Authorization for the entry of foreign warships shall be requested in good time through the diplomatic channel, the following particulars being communicated: the number, class and names of the ships, the port which it is proposed to visit, the purpose of the visit, the length of stay, the rank and name of the commander (flag officer) and the number and type of aircraft on board, if any.

Article 4. The provisions of articles 2 and 3 shall not apply to:
(a) Warships carrying heads of State and warships escorting them;
(b) Warships carrying heads of diplomatic missions accredited to the USSR Government, arriving at ports open to foreign merchant ships.

Article 5. On receipt of due authorization (in accordance with the provisions of articles 1 and 3), and in the cases specified in article 4, the

1 Ibid., 1953, No. 66. Text of Notice provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
exact time of arrival of the warship shall be notified through the diplomatic channel not later than seven days before its arrival at the port of destination.

Article 6. The provisions of articles 1, 2, 3 and 5 shall not apply to warships calling at USSR ports by reason of weather conditions or damage to the ship (storms, accidents).

Such ships should proceed where possible to a port open to foreign merchant ships.

Article 7. Foreign warships bound for USSR ports shall announce themselves and their time of arrival at destination to the port authorities by radiotelegraphy on entering USSR waters.

Article 8. While in USSR waters, foreign warships, on being hailed by ships of the naval forces of the Workers’ and Peasants’ Red Army or of the frontier guard, shall reply by radiotelegraphy or other available means of communication, stating the name of the ship, the purpose of its entry and the proposed length of stay.

Article 9. In USSR ports declared to be salute ports and in places where there are ships of the naval forces of the Workers’ and Peasants’ Red Army, salutes shall be given in accordance with existing international rules and customs.

Note. A list of salute ports is published in the Hydrographic Department circulars.

Article 10. Submarines may navigate through or stay in USSR waters only provided that they remain on the surface.

Article 11. When visiting USSR ports, foreign warships must take on board USSR pilots in the ports indicated in Hydrographic Department circulars.

Article 12. A list of waters closed to foreign warships for reasons of State security or safety of navigation shall be published in Hydrographic Department circulars.

Article 13. On entering a USSR port, a foreign warship shall be boarded by a representative (the chief liaison officer) of the senior naval commander.

On boarding the warship, the representative of the senior naval commander shall be furnished, on the orders of the commander of the foreign warship, with the information indicated in the appended list (annex to article 13), and shall make known the rules and directions specifically applicable to foreign warships to be observed by the warship, its boats and its crew.

The bill of health, together with particulars of the sanitary conditions of the warship, shall be delivered to the representative of the sanitary authority when he boards the ship.

Note 1. In ports where there is no senior naval commander and no person designated to act as his deputy in connexion with the reception of foreign warships, the rights and duties of such commander, as set forth in this article and in articles 14 to 21, shall be carried out by the garrison commander or by the senior officer of the local frontier guard unit.

Note 2. The senior naval commander shall communicate with the commander of the foreign warship either in person or through his representative and shall in like manner acquaint the commander of the foreign warship with the relevant regulations and rules relating to customs forma-
lities, frontier defence and sanitary protection, navigation, radiotelegraphy and aircraft flights, and with such port, shore and other rules as are specifically applicable to the warship.

Article 14. The berth to be assigned to a foreign warship shall be determined by the senior naval commander and shall be communicated to the commander of the warship by the representative of the senior naval commander on boarding the warship.

If the representative of the senior naval commander fails to appear, the commander of the foreign warship shall himself select a temporary anchorage, with the guidance of the relevant sailing directions and local port rules or of the pilot, if there is a pilot on board. The senior naval commander shall confirm the selection or shall indicate another berth, together with any subsequent changes that may be necessary, to the commander of the foreign warship.

Article 15. Unarmed boats of foreign warships may move within the precincts of the port in accordance with the port rules and the senior naval commander's directions.

Article 16. Crews of foreign warships may be given shore leave, by agreement with the senior naval commander, who shall be informed of the number of men to be given leave, the duration of the leave and the time of return to the ship, and in accordance with the port rules.

Article 17. When ashore, members of the crews of foreign warships shall conform to the rules relating to the wearing of uniforms and the carrying of weapons by members of foreign armed services in the territory of the USSR.

Article 18. Persons not members of the crew of a foreign warship shall be permitted to board the warship or to go ashore from the warship in the manner prescribed by the senior naval commander, by agreement with the commander of the warship and subject to compliance with the applicable passport and customs formalities.

Note: Special regulations shall apply to diplomatic and consular representatives of the country to which the visiting foreign warship belongs.

Article 19. When visiting USSR ports, foreign warships and their crews may not engage in the following activities, in addition to those forbidden by other laws and rules:

(a) Surveys and explorations, as also measurements and soundings, other than those necessary for the safe navigation of the ship through a fairway open to navigation by all ships, or for its safe anchorage at its designated berth in the port;

(b) The photographic or other pictorial recording, drawing or sketching or the preparation of descriptions of any area of a port or of fortifications and all military and other installations;

(c) Movement of armed boats and boat training with armed crews, including landings;

(d) Searchlight training;

(e) Firing of guns (in the case of salutes), torpedoes, rifles and pistols;

(f) Mine-laying exercises;

(g) Exercises in the use of chemical weapons and the laying of smoke screens;

(h) Underwater explosions of any kind;

(i) Flights by aircraft; release of balloons, flying of kites etc.
Authorization to engage in the above-mentioned activities in individual cases shall be requested through the diplomatic channel.

Article 20. Upon a request made in advance by the commander of a foreign warship, the senior naval commander may authorize:

(a) The carrying out of roadstead exercises within the precincts of the port and in USSR waters contiguous to the port;
(b) The landing of armed or unarmed detachments in formation for patrolling purposes or for participation in parades or funeral ceremonies;
(c) The execution of underwater repairs;
(d) The use of radio equipment.

Article 21. Any breach of the established rules by a foreign warship or by members of its crew shall be drawn to the attention of the commander of the warship by the senior naval commander or, in the absence of such and of any officer acting as his deputy, as set forth in note 1 to article 13, by the commander of a ship of the naval forces of the Workers' and Peasants' Red Army or of the frontier guard, who shall simultaneously report the matter to his superior officer. If the warship fails to heed this warning, it may be invited by the competent authorities to leave USSR waters. In exceptional circumstances, a foreign warship may at any time be invited to leave USSR waters within a specified period.

Annex to article 13

List of particulars to be furnished by foreign warships:

1. Nationality (flag) and class (type).
2. Name of ship (ships).
3. Rank and name (of commanders, flag officer).
4. Number (roll) of officers.
5. Number of crew.
6. Purpose of (reason for) the visit (this applies only to ships entitled to seek refuge).
7. Ship's last port of call.
8. Duration of stay:
   (a) Arrival;
   (b) Departure.
9. Principal characteristics of the ship:
   (a) Displacement (in the case of submarines, surfaced and submerged displacement, and in the case of ships visiting the port for trade purposes, particulars of the ship's gross and net capacity);
   (b) Length;
   (c) Beam;
   (d) Draught.
10. Armament:
    (a) Guns;
    (b) Torpedo-tubes;
    (c) Mine-laying equipment (only in the case of ships entitled to seek refuge).
11. Aircraft carried (number, type).
12. Radio installations and their elements.
13. Sanitary condition of:
   (a) The ship and the crew;
   (b) The port of departure.
14. List of passengers (if any).
15. Nature and quantity of cargo (discharged or taken on board).

Commander of the ship (Signature)

(day) (month) 19 . .

Port:

Note: These particulars must be entered in a foreign language in general use.

(b) Order of 28 December 1927 concerning the sanitary regulations applicable to warships or ships treated as such on entering and leaving ports of the Union

1. In order to prevent the introduction into the territory of the USSR, by warships or ships treated as such, of the communicable diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, and also to prevent the transmission of these diseases by such ships from the territory of the USSR to foreign countries, warships and ships treated as such, whether sailing under the USSR flag or under a foreign flag, shall be required, when bound for USSR ports or when leaving such ports, to carry a bill of health issued by the port of departure.

Note: In this Order the expression “warships or ships treated as such” means regular men-of-war, other naval ships and ships treated as such.

2. As soon as it enters a USSR port and stops at the point indicated to it by the naval authorities, or, in the absence of such, by the port authorities, a warship or ship treated as such shall be boarded by officers of the port sanitary authority, who shall obtain from the captain or ship’s doctor information on the sanitary condition of the ship and the port of departure with respect to the diseases specified in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, and shall in particular be presented with the bill of health (article 1) for endorsement.

Note: Where a ship is not in possession of a bill of health from the port of departure, the captain shall, at the request of the sanitary authority, furnish a written statement, signed by himself and the ship’s doctor, on the sanitary condition of the ship and of the port of departure.

3. An officer of the port sanitary authority shall inform the captain and the ship’s doctor (article 1) concerning the sanitary condition of the port.

1 Order of 28 December 1927 of the Central Executive Committee and the Council of People’s Commissars of the USSR (Sobranie Zakonov, 1928, No. 4, article 34, with amendments promulgated by Order of the Council of People’s Commissars of the USSR on 23 February 1932, Sobranie Zakonov, 1932, No. 14, article 75). Text provided by the Permanent Mission of the USSR to the United Nations. Translation by the Secretariat of the United Nations.

2 Ships of the USSR and of other countries shall not be required to carry a bill of health when calling at ports of States which have signed an agreement for the abolition of bills of health.
and shall advise them as to the possibility, from the sanitary point of view, of unimpeded communication with the shore.

4. Where an arriving foreign ship (article 1) is carrying any person suffering from one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, the captain shall not permit disembarkation, except in the service of the ship; however, any sick persons on board may, at the captain's request, be transferred to shore hospitals, provided that the treatment of persons suffering from the disease in question is permissible in the port under the pertinent rules.

5. Similarly, even where a foreign ship (article 1) is not carrying any sick person referred to in article 4 on arrival at a USSR port, the captain shall not permit any person on board to disembark, except in the service of the ship, if during the voyage to the USSR port any case of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR has occurred, and the observation period prescribed in the rules made pursuant to this Order has not expired.

6. Where the port sanitary authority sees fit, article 5 may also be applied to foreign ships (article 1) on which no case of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR has occurred during the voyage to the port ("healthy ships"), but which come from a port infected with cholera or plague and held communication in such port with the shore, if the prescribed observation period has not yet expired.

7. Where a foreign ship (article 1) has, or during the voyage to the port has had, any cases of one of the diseases referred to in article 1 of the Order concerning the sanitary protection of the frontiers of the USSR, the ship's captain shall, if he so desires, be given all possible help in the application of the necessary sanitary measures by the agencies responsible for the sanitary protection of the frontiers of the USSR.

8. Before the departure of a foreign ship (article 1) from a USSR port, and not earlier than twenty-four hours before the ship leaves port, the agencies responsible for the sanitary protection of the frontiers of the USSR shall, if requested by the ship's captain, endorse the ship's bill of health, and shall also issue a certificate concerning the sanitary condition of the port at the time of the ship's departure. Where the ship has been subjected to sanitary measures pursuant to article 7, the captain shall, if he so desires, be furnished with a certificate to that effect.

9. Arrangements for the application of articles 2 to 8 of this Order in USSR ports to foreign warships or ships treated as such shall be made by agreement between the command or administration of the port and the captains of such ships.

10. Before leaving for foreign waters, the captain of a ship (see note to article 1) of the naval forces of the Workers' and Peasants' Red Army shall be required to obtain a bill of health or other corresponding documents for presentation to the sanitary authorities at foreign ports.

11. When visiting foreign ports, ships of the naval forces of the Workers' and Peasants' Red Army shall comply with the local sanitary rules for foreign warships and ships treated as such, and shall take all necessary measures for the prevention of disease among the crew.
12. Before leaving a foreign port, the captain of a ship of the naval forces of the Workers' and Peasants' Red Army shall ensure that the ship's bill of health is endorsed by the port sanitary authorities or that he is furnished with the appropriate certificate concerning the sanitary measures applied to the ship and the sanitary condition of the port.

13. The captain of a ship of the naval forces of the Workers' and Peasants' Red Army which is engaged in navigation between USSR ports alone shall be required on leaving or calling at a port infected with one of the diseases specified in article I of the Order concerning the sanitary protection of the frontiers of the USSR, where the ship has held communication with the shore, to furnish a written statement to that effect, signed by himself and by the ship's doctor, to the sanitary authority of the port of arrival, with particulars of the measures taken to protect the ship against infection and of the sanitary condition of the ship.

Note. See also: Customs Code of 19 December 1928, articles 57 and 59 (supra, Chapter II, Section A, under USSR (m); Regulation of 15 June 1927, article 24 (supra, Chapter II, section A, under USSR (a)); Act No. 431 of 24 July 1928, articles 1, 9 (supra, Chapter II, section A, under USSR (b)).

Yugoslavia

REGULATION CONCERNING THE ENTRY, NAVIGATION AND STAY OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA AND INLAND SEA AREAS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Article 1. For the purposes of this Regulation, the term "warship" includes a man-of-war of any class and any ship which flies the naval ensign or is registered as a unit of the naval forces of any State.

For the purposes of this Regulation, the terms "territorial sea" and "inland sea areas" shall be construed in conformity with the definitions contained in articles 2 to 7 of the Act concerning the coastal waters of the Federal People's Republic of Yugoslavia.

Article 2. Foreign warships shall have the right of innocent passage through the territorial sea of the Federal People's Republic of Yugoslavia.

The passage of a warship shall not be deemed innocent if such warship uses the territorial sea of the Federal People's Republic of Yugoslavia in furtherance of any adventure which may threaten the security, material interests or public health of the Federal People's Republic of Yugoslavia or the safety of shipping in the maritime zone concerned.

Not more than three foreign warships flying the same flag may pass through the territorial sea of the Federal People's Republic of Yugoslavia at any one time, save where special authorization has been obtained from the Yugoslav Government.

Article 10. Foreign submarines passing through the territorial sea shall navigate on the surface throughout the duration of their passage.

1 Text provided by the Secretariat of State for Foreign Affairs of the Federal Republic of Yugoslavia. Translation by the Secretariat of the United Nations.
Article 17. Without prejudice to any further restrictions imposed by the legislation of the Federal People's Republic of Yugoslavia or by international regulation, foreign warships staying in or passing through the territorial sea shall not be permitted:

(a) To carry out any geodetic or hydrographic research;
(b) To photograph, sketch, draw or survey the coast or any feature thereon;
(c) To fire any artillery weapon or torpedo or to discharge any other missile;
(d) To carry out searchlight drill;
(e) To launch any armed boat or organize any drill with boats carrying an armed crew, to land armed detachments or in any way to manoeuvre with any assault craft or submarine;
(f) To launch any ship-borne or auxiliary aircraft or to fly any balloon;
(g) To lay mines or carry out mine-laying exercises;
(h) To take any action which may cause a submarine explosion;
(i) To carry out any chemical experiment;
(j) To execute the death penalty.

In exceptional circumstances, after a request has been duly presented through the diplomatic channel, the authorities of the Federal People's Republic of Yugoslavia may grant a special authorization in respect of any of the activities listed hereabove.

The naval or military authorities of the Federal People's Republic of Yugoslavia may, on the request of the commander of a foreign warship, authorize any of the following:

(a) Boat exercises (rowing, sailing and the like), within the limits of a harbour or anchorage;
(b) The landing of armed men and equipment in connexion with a parade or funeral ceremony;
(c) Work to be carried out below the water line on a specified ship.

Article 18. Before using any wireless, telegraph, or telephone equipment, foreign warships staying in the territorial sea of the Federal People's Republic of Yugoslavia shall request the permission of the competent naval or military authorities and disclose the system, wave-length and schedule of the wireless communications which they propose to transmit.

Any foreign warship which, for some justifiable reason, is unable to request permission in the manner prescribed in the preceding paragraph shall:

(a) Observe the prohibition against transmitting on any wave-length exceeding 600 metres except when compelled by circumstances to send a marine distress signal or to reply to such a signal;
(b) Refrain from interfering with the communications of any scheduled mobile wireless station;
(c) Discontinue the sending of messages on any transmitting apparatus not adapted to continuous wave transmission;
(d) Cease all transmission on the demand of any Yugoslav naval or military authority or any Yugoslav wireless station.

Article 19. In the event of the outbreak of an armed conflict in which the Federal People's Republic of Yugoslavia is neutral its territorial sea shall be governed by Yugoslav legislation and by the rules and principles of international law relating to neutrality.
Article 21. The Government of the Federal People's Republic of Yugoslavia may, when the national interest so requires, prohibit warships belonging to any specified State or States from passing through or staying in the territorial sea. Such prohibition shall be published in the Official Gazette and shall be communicated through the diplomatic channel to the Government of any State concerned.

Article 22. The provisions of this Regulation shall be valid only when the Federal People's Republic of Yugoslavia is not at war and shall apply only to the warships of a State which is not at war with any other State at the time when its ships enter the territorial sea or inland sea areas of the Federal People's Republic of Yugoslavia.

Article 23. The enforcement of this Regulation shall be the responsibility of the naval or military authorities; in harbours where there is no naval or military establishment, this responsibility shall be vested in the harbour authorities.

Note. See also: Act of 1 December 1948 concerning the coastal waters of the Federal People's Republic of Yugoslavia, article 13 (supra, Chapter II, Section A, under Yugoslavia (a)); and Customs Act of 12 October 1948, as amended, article 12 (supra, Chapter II, Section A, under Yugoslavia (b)).
Chapter IV

FISHING IN THE TERRITORIAL SEA

Australia

(a) Commonwealth of Australia Constitution Act, 9 July 1900, as altered to 1946

PART V. POWERS OF THE PARLIAMENT

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:
(x.) Fisheries in Australian waters beyond territorial limits:

(b) Fisheries Act, 1952-1953

PART I. PRELIMINARY

4. In this Act, unless the contrary intention appears—"Australian waters" means—
(a) Australian waters beyond territorial limits;
(b) The waters adjacent to a Territory and within territorial limits; and
(c) The waters adjacent to a Territory, not being part of the Commonwealth, and beyond territorial limits;

"proclaimed waters" means Australian waters specified by Proclamation in force under section seven of this Act;

"Territory" means Territory of the Commonwealth;

5. This Act extends to all the Territories and to all Australian waters.

PART II. ADMINISTRATION

6. (1) The Minister or the Secretary may, by instrument in writing, delegate to a person or authority all or any of his powers, functions and

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authorities under this Act (except this power of delegation) in relation to a matter or class of matters, or to a State, part of the Commonwealth or Territory, or in relation to an area of Australian waters, so that the delegated powers, functions and authorities may be exercised by the delegate with respect to the matter or class of matters, or with respect to the State, part of the Commonwealth, Territory or area of Australian waters specified in the instrument of delegation.

(2) A delegation under the last preceding sub-section is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Minister or the Secretary.

PART III. REGULATION OF FISHERIES

7. The Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of this Act.

8. (1) The Minister may, by notice published in the Gazette—
(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of fish or of fish of a species specified in the notice;
(b) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish of a species specified in the notice not exceeding a size so specified; and
(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish of a species specified in the notice, by a method or equipment specified in the notice.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

9. (1) The Secretary or a prescribed authority may grant to a person a licence to take fish in proclaimed waters or in an area of proclaimed waters.

(2) The Secretary or a prescribed authority may grant to a person a licence in respect of a boat authorizing the use of the boat in the taking of fish in proclaimed waters or in an area of proclaimed waters.

(3) The Secretary or a prescribed authority may grant to a person registration of nets, traps and other equipment for use in the taking of fish in proclaimed waters or in an area of proclaimed waters and may issue certificates of registration accordingly.

10. An officer may—
(a) Board or enter upon a boat in proclaimed waters or a boat which he has reason to believe has been used, is being used, or is intended to be used, for the taking of fish in proclaimed waters and may search the boat for fish, nets, traps and other equipment used or capable of being used for taking fish;
(b) Examine any nets, traps or other equipment found in any place, being nets, traps or equipment which he has reason to believe have been used, are being used, or are intended to be used, for the taking of fish in proclaimed waters;
(c) Seize, take, detain, remove and secure any fish, boat, net, trap or equipment which the officer has reason to believe has been taken or used, is being used, or is intended to be used, in contravention of this Act;
PART IV. RESEARCH AND DEVELOPMENT

11. The Secretary may, subject to the directions of the Minister, carry out operations—
(a) For ascertaining whether fishing in an area of Australian waters can be engaged in on a commercial basis; and
(b) For the development of fisheries in Australian waters.

12. The Secretary shall, subject to the directions of the Minister, cause investigations to be made into economic matters relating to fisheries in Australian waters.

PART V. MISCELLANEOUS

13. A person shall not—
(a) In an area of proclaimed waters, engage in the taking of fish unless he is the holder of a licence in force under section nine of this Act authorizing him to do so;
(b) In an area of proclaimed waters, use a boat, net, trap or other equipment for the taking of fish, or have a boat, net, trap or other equipment for the taking of fish in his possession or in his charge, unless that boat, net, trap or equipment is licensed or registered under this Act, in his name or in the name of a person on whose behalf he is acting, for use in the taking of fish in that area;
(c) Pearl Fisheries Act, 1952-1953

Note. Section 5 (sub-section 1, paragraphs (a), (b) and (c)), 6 and 7 of this Act are similar to section 4 (paragraphs (a), (b) and (c)), 5 and 6 of the Fisheries Act, 1952-53, mentioned above (b).

PART III. REGULATION OF PEARL FISHERIES

8. The Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of this Act.

9. (1) The Minister may, by notice published in the Gazette—
(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail;
(b) Prohibit the taking from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail not exceeding a size specified in the notice;
(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail by a method or equipment specified in the notice;
(d) Prohibit the taking, by any one pearling ship, during a period and in an area of proclaimed waters specified in the notice, of pearl shell, trochus, bêche-de-mer or green snail in excess of a quantity so specified; and
(e) Prohibit the removal of live pearl shell, trochus, bêche-de-mer or green snail from proclaimed waters.

1 For the Pearl Fisheries Act, 1952, see Commonwealth Acts, 1952, vol. L, p. 32; for the Amendment to this Act, see ibid., 1953, p. 13.
(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

10. (1) The Secretary or a prescribed authority may grant to a person a licence to search for and obtain pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

(2) The Secretary or a prescribed authority may grant to a person a licence in respect of a ship authorizing the use of the ship in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

11. An officer may —

(a) Board or enter upon a ship or boat in proclaimed waters or a ship or boat which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters and may search the boat for equipment used or capable of being used for pearling;

(b) Examine any equipment found in any place, being equipment which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters;

(c) Seize, take, detain, remove and secure any ship, pearl shell, trochus, bêche-de-mer or green snail which the officer has reason to believe has been taken or used, is being used or is intended to be used, in contravention of this Act;

PART IV. RESEARCH AND DEVELOPMENT

12. The Secretary may, subject to the directions of the Minister, carry out operations —

(a) For ascertaining whether any pearl shell, trochus, bêche-de-mer or green snail fishery in Australian waters can be engaged in on a commercial basis; and

(b) For the development of pearl shell, trochus, bêche-de-mer or green snail fisheries in Australian waters.

13. The Secretary shall, subject to the directions of the Minister, cause investigations to be made into economic matters relating to pearling in Australian waters.

PART V. MISCELLANEOUS

14. A person shall not —

(a) In an area of proclaimed waters, engage in pearling otherwise than in pursuance of a licence in force under sub-section (1) of section ten of this Act of which he is the holder;

(b) In an area of proclaimed waters, use a ship for pearling otherwise than in pursuance of a licence in respect of the ship in force under this Act in his name or in the name of a person on whose behalf he is acting;

(c) Being the holder of a licence under this Act, contravene a condition of the licence;

(d) Do an act prohibited by a notice for the time being in force under section nine of this Act; or

(e) Employ, or have on board a ship, in proclaimed waters, for the purpose of pearling, a diver, trial diver or diver’s tender who is not licensed under sub-section (4) of section ten of this Act.
4. (1) This Act shall extend to Australian waters beyond territorial limits, to the Territories of the Commonwealth, to ships registered in Australia, whether or not such ships are in Australian waters or the waters of a Territory of the Commonwealth, and to all ships over which the Commonwealth has jurisdiction.

(2) The Governor-General may, by proclamation, declare that this Act shall apply in Australian territorial waters or any portion of such waters.

8. A ship designed and equipped for taking, killing or treating whales shall not be brought into any port or place in Australia or any Territory of the Commonwealth unless the owner or charterer of the ship is the holder of a licence in force under this Act authorizing the ship to be used for taking, killing or treating whales or the ship is duly authorized by the Government of the country whose flag she flies to engage in taking, killing or treating whales.

15. (1) Where —

(a) Any whale taken or killed; or

(b) Any part or product of any whale taken or killed, in contravention of this Act or of any condition of a license, is brought into any port or place in Australia or any Territory of the Commonwealth, that whale, part or product, as the case may be, shall be forfeited to the King.

16. (1) For the purposes of this Act, an officer may —

(a) Board any ship or enter any factory which he has reason to believe is used for taking or treating whales, and inspect the ship or factory and its plant and equipment;

17. (1) At least two officers shall be maintained on board any ship which is used for treating whales and shall be entitled to remain on board the ship, to be provided with subsistence and accommodation therein and to be present at all operations in connexion with the treating of whales on board the ship.

(2) There shall be paid to the owner or master of the ship, in respect of each day during which an officer remains on board the ship, such sum as is prescribed for the provision of subsistence and accommodation of an officer boarding the ship and remaining on board the ship in pursuance of this section.

(c) Whaling Industry Act 1949-1952

PART I. PRELIMINARY

4. In this Act, unless the contrary intention appears —
   “Australian waters” means —
   (a) Australian waters beyond territorial limits, being the waters referred to in placitum (x.) of section fifty-one of the Constitution; and
   (b) The territorial waters of any Territory under the authority of the Commonwealth;
   “the Commission” means the Australian Whaling Commission constituted under this Act.

PART II. THE AUSTRALIAN WHALING COMMISSION

Division 2. Functions and Powers of the Commission

15. Subject to this Act, the functions of the Commission shall be —
   (a) To engage in whaling in Australian waters; and
   (b) As an aid to the economic and stable operation of its whaling activities in Australian waters, to employ, in whaling in the vicinity of any Australian waters, vessels not required for the time being for whaling in Australian waters.

States of Australia

(a) Fisheries and Oyster Farms Act, 1935-1949 (New South Wales)

PART I. PRELIMINARY

4. (1) In this Act, unless the context or subject-matter otherwise indicates or requires, —

   “Crown lands” means and includes any foreshore as well as any land under the sea, within territorial limits, or under any tidal or inland water, or under any river, lake, lagoon, or other water, or any training-wall, breakwater, retaining-wall, or guide-bank, in New South Wales, the property in which is by law vested in the Crown, or in any trustees for the purpose of public recreation, or for any other public purpose, but does not include lands held under lease under this Act or any Act hereby repealed.

   “High-water mark” means the mean line between approximate high-water at spring tide and at neap tide.

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2 Text of Act provided by the Permanent Mission of Australia to the United Nations.
“Inspector” means any inspector of fisheries appointed under this Act, and includes a person who by the provisions of this Act has and may exercise the powers, authorities, duties and functions of an inspector.

“Tidal waters” means all waters which ebb and flow over Crown lands, or over lands in the possession or under the control of the Crown or the Minister, within the territorial jurisdiction of the Crown in New South Wales, together with, in each case, the soil of such Crown lands or lands in the possession or under the control of the Crown or the Minister; and also all coastal saltwater lakes, lagoons and ponds in the said State and the soil or bed thereof.

PART II. ADMINISTRATION

12. An inspector may, at any time or season, for the purpose of ascertaining whether the provisions of this Act have been contravened or of securing the observance of the provisions of this Act or of doing any act or thing which he is required or empowered to do under this Act, enter into and pass through or along any leased area or the banks or borders of any waters or within a reasonable distance above high water mark on any land abutting thereon, and with boats or otherwise enter upon such waters, and pass along the same.

14. An inspector may —
(a) Board and enter upon any boat and search the same for any fish, engines, nets, or other articles;

PART III. FISHING GENERALLY

Division 1. Closing of waters

18. (1) (a) The Minister may from time to time by notification published in the Gazette prohibit the taking of fish from tidal waters or inland waters.

(2) (a) The Governor may by proclamation published in the Gazette prohibit the taking of fish from tidal waters or inland waters.

(3) Any provision inserted in any such notification or proclamation may apply —
(a) to tidal or inland waters generally, or to any specified tidal or inland waters or part thereof or to tidal or inland waters other than those specified;

19. (1) No person shall haul or set any net of any kind whatsoever for the purpose of taking, or which is adapted to take or capable of taking, fish —
(a) in any of the waters of Brisbane Water or of its tributaries north of a line drawn from Box or Hawk Head to Green Point; or

(b) in any of the waters of Port Hacking or its tributaries to the westward of a line drawn southerly from the southernmost extremity of Hungry Point to the northernmost extremity of Cabbage Tree or Pulpit Point; or

(c) in any of the waters of Wagonga River or its tributaries westward of a line drawn north-west across the entrance from the northernmost extremity of Wagonga Head; or

(d) in any of the waters more particularly described in Schedule A ¹ to this Act, or of the tributaries thereto.

(5) In this section the word "waters" includes all waters, whether the same are subject to or beyond the influence of the tide.

20. (1) The Governor may by proclamation prohibit or restrict either absolutely or during the period or periods specified in such proclamation the bringing into the State or the landing from any boat at any port or place within the State of any live fish, whether such fish were taken in territorial waters or elsewhere.

(2) Any provision inserted in any such proclamation may apply —

(a) To fish generally or to any specified species of fish or to fish other than fish of a specified species;

(b) To fish taken from any waters whether territorial waters or otherwise, or to fish taken from any specified part of such waters, or to fish taken from any waters other than those specified.

Division 3. Licensing of fishing boats and fishermen

23. (1) Every boat used for or in connection with the taking of fish for sale from any territorial waters, whether tidal waters or inland waters, by any method, shall be licensed.

25. (1) Every person who takes or attempts to take fish for sale by any method from any territorial waters, whether tidal waters or inland waters, shall hold a fisherman’s license under this section.

(7) Any person who, without lawful authority, takes or attempts to take fish for sale by any method whatever from any territorial waters, whether tidal waters or inland waters, without first having obtained a fisherman’s license, shall be liable to a penalty of not less than one pound for a first offence and not less than five pounds for a second or subsequent offence.

¹ Schedule not reproduced.
PART IV. TROUT AND SALMON

Division 5. Licenses

51. (1) No person, other than the holder of a license issued under this section, shall take, or attempt to take, any salmon or trout from any of the waters of New South Wales.

PART VII. REGULATIONS

120 (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Act into effect.

(2) Without limiting the generality of the power conferred by subsection one of this section the Governor may make regulations —

(ff) Controlling and regulating methods of trawling within territorial waters;

(b) Fish and Oyster Acts, 1914-1945 (Queensland)

PART I. PRELIMINARY

4. Interpretation. 60 Vic. No. 22, s. 3; 51 Vic. No. 6, s. 2. — In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say —

“High water” — The mean height of the higher high water at spring tides;

“Queensland waters” includes all salt, brackish, and fresh waters within the territorial limits of Queensland which are not upon land which is the property of a private person;

PART II. GENERAL FISHERIES

7. Governor in Council may prohibit or restrict fishing for certain period. 51 Vic. No. 6, s. 18.—(1) The Governor in Council may from time to time by Order in Council prohibit or restrict the taking of all or any kind of fish in any Queensland waters specified in the Order, either absolutely or except by such means as are prescribed by the Order.

16. (1) License for vessels. 51 Vic. No. 6, s. 12.—It is unlawful to employ a vessel in Queensland waters in taking fish —

(a) With a net, whether for sale or not;
(b) With a line, for sale;
unless the owner of the vessel has obtained from the Minister a license to employ it for that purpose.

17. (1) License for fishermen. 51 Vic. No. 6, ss. 13, 14.—It is unlawful for any person—

(a) To engage in taking fish for sale; or
(b) To have in possession (unless he is a maker of or dealer in such nets) or to use any net for taking fish;
unless he has obtained from the Minister a license for that purpose.

18. Exclusive licenses. W. A., No. 24, 1911, s. 30.—(1) The Governor in Council may grant to any person, on such terms and conditions as he thinks fit, a license to the exclusion of all other persons to take, subject to this Act, for any term not exceeding fourteen years, from any specified part of Queensland waters (including the foreshore or adjacent land above high-water mark), not being subject to a subsisting lease or license under this Act, any fish or marine products.

PART III. OYSTERS

19. Part to apply as declared by Order in Council. 50 Vic. No. 22, s. 31.—This Part extends to and is in force only in such ports and parts of Queensland as the Governor in Council from time to time, by Order in Council, declares.

An Order in Council of Dec. 2, 1915, declares that this Part shall be in force in and along such part of the Queensland coast as lies between the southern limit of Queensland and the tenth degree of south latitude, and all the ports and all the rivers and creeks discharging themselves into the sea within such limits.

20. Governor in Council may close place wholly or in part. 50 Vic. No. 22, s. 24.—The Governor in Council may from time to time, by Order in Council, prohibit, for a time specified in such Order, the taking of oysters from any specified place in Queensland waters.

PART IV. ANCILLARY PROVISIONS

44. General powers of inspectors. (1.) Any inspector, with or without warrant, in addition to such other powers or duties as from time to time devolve upon him under this Act, may—

(a) At any time, stop, enter upon, examine, and search any vessel or punt used in connection with any fish or oysters;

46. Pollution of waters. Any person who discharges into any tidal or inland waters or into any watercourse, whether dry or not, leading into the
same, from any mining works, paper mills, gas works, saw mills, or other manufactory, or from any boiling-down or wool-washing establishment, or from any source whatever, any deposit of filth, refuse, or other matter deleterious to fish or oyster life, or to the growth and development of oysters, or who drowns or destroys any animal on oyster ground under lease or license, or deposits thereon any dead carcass, shall be liable to a penalty not exceeding fifty pounds.

The discharge of garbage, rubbish, ashes or organic refuse into the sea from vessels in Australian waters within any prohibited area, without the permission of the Director of Quarantine or of a Chief Quarantine Officer first obtained, is an offence under the Beaches, Fishing Grounds and Sea Routes Protection Act 1932 (Commonwealth). See s. 3 thereof.

(c) Pearl-shell and Bêche-de-Mer Fishery Act of 1881, as amended 1 (Queensland)

3. Ships or boats employed in fishery to be licensed. From and after the commencement of this Act it shall not be lawful to use or employ any ship or boat in the pearl-shell and bêche-de-mer fishery within the Colony of Queensland, or within one league to seaward from any part thereof, unless such ship or boat is duly licensed as hereinafter provided.

6. Penalty for using unlicensed ship or boat. If any ship or boat is employed in the pearl-shell and bêche-de-mer fishery without a license under this Act having been first obtained, the owner or master of any such ship or boat shall be liable to a penalty not exceeding three times the amount of the license fee payable in respect of such ship or boat, and which may be recovered in a summary way before any police magistrate or two justices of the peace.

Forfeiture in default of payment. In default of immediate payment of such penalty, the ship or boat, and all things found on board thereof, shall be seized and kept for a period of sixty days, and if at the expiration of that period the penalty is still unpaid, then the ship or boat, together with all her tackle, apparel, furniture, and cargo shall be forfeited to Her Majesty.

(d) Pearl-shell and Bêche-de-Mer Fishery Act Amendment Act of 1891, as amended 2 (Queensland)

6. Powers of inspectors. An inspector may, within the limits of the territorial jurisdiction of Queensland, exercise any of the following powers:

He may go on board any ship or boat employed in the fishery, or enter upon any fishing station or any buildings thereon;

He may require the master or employer, or any person in charge of a fishing station, to produce any certificate of registry, license, official log-book, official papers, articles of agreement, muster-roll, or other document,

2 Ibid., p. 552.
relating to the ship or boat, or to any person who is employed on board the ship or boat, or who is at the station, and which are in their respective possession or control, and may take copies thereof or of any part thereof;

He may muster the persons employed on board the ship or boat or at the station;

He may require the master or employer, or the person in charge of the station, to give any explanation concerning the ship, boat, or station, or any person who is employed on board the ship or boat, or at the station, or who is at the station, or concerning any such certificate of registry, license, official log-book, official papers, articles of agreement, muster-roll, or other document;

He may examine the sails, lights, boats, anchors, grapnels, and fishing implements belonging to the ship, boat, or fishing station;

He may examine the diving-dress, air-pump, air-tubes, and gear, and all other gear and tackle used in the ship or boat or at the station;

He may by order in writing under his hand forbid the further use of any gear and tackle which is, in his opinion, unsafe or insufficient;

He may make any inquiries or searches that he thinks necessary to ascertain whether any contravention of the provisions of the Pearl-shell and Bêche-de-Mer Fishery Acts has been committed.

16. Leases of pearl-shell or bêche-de-mer ground. The Governor in Council may grant a lease of the whole or any part of an outlying reef or bank, or of the foreshore of an island, or of any Crown lands lying below high-water mark in any river, inlet, estuary, or creek, or any lands lying below tidal waters within the limits of the territorial jurisdiction of Queensland, for the collection, storage, cultivation, or propagation, of pearl oyster shell [or of trochus shell] or of bêche-de-mer, or of sponges or other products of the sea. Such leases shall be granted under and subject [to the provisions next hereinafter contained and] to such conditions and stipulations as the Governor in Council may prescribe by Regulations.

(e) WHALING ACT, 1935-1936 (QUEENSLAND)

3. Interpretation. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively set against them, that is to say:

“Queensland waters”—Includes all salt, brackish, and fresh waters within the territorial limits of Queensland which are not upon land which is the property of a private person;

4. Application of Act. (1.) This Act shall be in force within Queensland and within all Queensland waters.

7. Taking, killing, or treating whales without a license. (1.) It shall be unlawful for a ship to be used for taking, killing, or treating whales, or for

a factory to be used for treating whales unless the owner or charterer of the
ship or the occupier of the factory is the holder of a license in force under
this Act authorising the ship or the factory, as the case may be, to be so used.

8. Unlicensed ship entering Queensland. A ship designed and equipped for
taking, killing, or treating whales shall not be brought into any port or
place in Queensland unless the owner or charterer of the ship is the holder
of a license in force under this Act authorising the ship to be used for taking,
killing, or treating whales [or the ship is duly authorised by the Government
of the country whose flag she flies to engage in taking, killing, or treating
whales].

16. Powers of officers to board and search ships. (1.) For the purposes of
this Act an officer may —
(a) [Board any ship or enter any factory] which he has reason to believe
is used for taking or treating whales, and inspect the ship or factory and
its plant and equipment;

17. Officer may board and remain on board ship. (1.) An officer may go on
board any ship which is used for treating whales and shall be entitled to
remain on board the ship, to be provided with subsistence and accommodation
therein, and to be present at all operations in connection with the
treating of whales on board the ship.

(f) Fisheries Act, 1917-1946 (South Australia) ¹

PART I. PRELIMINARY

4. In this Act, unless some other meaning is clearly intended —

"closed waters" means any waters reserved for a hatchery, or any
waters declared by proclamation to be waters within which it shall not be
lawful to take fish or oysters:
"Crown lands" means Crown lands as defined in any Act or Acts for
the time being in force relating to Crown lands, and includes any foreshore,
as well as any land under the sea within the territorial limits of the State,
or under any tidal or inland water, or under any river, lake, lagoon, or
other water in the State, the property in which land is vested in the Crown:

"waters" includes the sea, and all bays, gulfs, and inlets of the sea, and
every lake and lagoon, river, creek, and stream, and any waters on or over
private land:

¹ Text of Act provided by the Permanent Mission of Australia to the United
Nations.
PART II. ADMINISTRATION

Division III. Inspectors and their duties

9. An inspector may at any time—

(c) board any fishing-boat or oyster fishing-boat:

(h) seize any boat containing any illegal device, or any boat which is being used for the purpose of taking fish or oysters contrary to this Act: and

10. Every inspector, in addition and without prejudice to any other power vested in him, may go on board any boat, or enter any fish market or other place where fish or oysters are, or are reasonably suspected by him to be, sold, or packed or prepared for sending to any market or shop or to any agent, fish salesman, or auctioneer, or to any person or place for sale, and therein search for and examine any device, or fish or oysters, and may seize and take away any fish or oysters which are under the prescribed size; or any parcel, box, or bag of fish or oysters in which such undersized fish or oysters, or any fish or oysters, diseased or unwholesome, are found, and may examine and make copies of any records, books, or documents relating to any fish or oysters: Provided that the chief inspector may, in his discretion, order the restoration to the owner thereof of any or all of the fish or oysters and things so seized.

(g) Fisheries Act, 1935, as amended up to 1950 (Tasmania) ¹

PART I. PRELIMINARY

3. Interpretation. (1) In this Act, unless the contrary intention appears—

"Board" means the Sea Fisheries Board constituted under this Act:

"Waters", used in relation to the Board, means any part of the sea within a distance of three miles from any part of the coast of Tasmania, and any estuary, port, harbour, or other inlet of the sea, and all tidal waters; and, used in relation to the Commissioners, means any salt, brackish, or fresh waters in Tasmania, and any part of the sea within a distance of three miles of any part of the coast of Tasmania, and also all reservoirs, dams, channels, or works for water storage or distribution vested in, or under the control of, the Crown, or any statutory authority, but not any waters the property of any private person.

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.
3. In this Act:
"Western Australian Waters" include the sea to three miles from high-water mark, and every tidal river, and every estuary or arm of the sea, and the waters of every river, stream, brook, creek, lake, or lagoon, the water whereof, at any time of the year, has access to the sea, and notwithstanding that the land covered by the water is private land alienated by the Crown.

6. The Governor may, from time to time, make, alter, and repeal regulations for the purposes of this Act mentioned, and also, in so far as express provision has not been made by this Act, and more particularly for—

(i) Prescribing fees for general and exclusive licenses to gather or collect from any portion of Western Australian waters any product of the sea exclusive of food fish;

(ma) Prohibiting or regulating the bringing of fish or portions of fish into Western Australian waters or on to land;

Such regulations may provide for their enforcement by the imposition of a penalty not exceeding in any case the sum of fifty pounds and the forfeiting of nets, lines, implements, or appliances used and fish taken in breach of such regulations.

Provided that when a road board acting under any authority in that behalf contained in any Act relating to local government now or hereafter in force has made and gazetted by-laws for any of the purposes of paragraphs (b) and (c) of this section and applying to any West Australian waters vested in or under the control of the road board or to specified portions of such waters, regulations made by the Governor, so far as they relate to the purposes of paragraphs (b) and (c) of this section, shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

9. The Governor may by proclamation prohibit all persons from—

(a) Taking fish of any specified species, by any specified means of capture;

1 Text of Act provided by the Permanent Mission of Australia to the United Nations.
Taking any fish whatsoever, by any specified means of capture;

(c) Taking any fish whatsoever, by any means of capture whatsoever, in any specified portion of Western Australian waters during any specified time in any specified year or during a specified portion of every year.

Provided that when a road board acting under any authority in that behalf contained in any Act relating to local government now or hereafter in force has made and gazetted by-laws applying to any Western Australian waters vested in or under the control of the road board or specified portions of such waters and relating to any of the purposes for which the Governor may make proclamations under this and the next succeeding section proclamations made under such sections shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

10. The Governor may, subject to the proviso contained in the last preceding section, by proclamation prohibit all persons from taking any fish whatsoever, in every or any specified portion of Western Australian waters, by means of fishing nets and fishing lines, or either of such means of capture, or by any other specified means of capture, for any specified term.

(i) Pearl ling Act, 1912 (Western Australia), as amended up to 1949

PART I. PRELIMINARY

5. In this Act, subject to the context —

"Diver's Tender" means the person attending on a diver and in charge of the diving operations when the diver is below;

"Inspector" means the Chief or any other Pearling Inspector appointed under this Act;

"Pearl-shell Area" means and includes the pearl-shell area defined in the Second Schedule hereto and any other area which shall be hereafter declared to be a pearl-shell area by proclamation, or in respect of which a proclamation has heretofore been issued under the Act 61 Vict., No. 19;

"The State" means the State of Western Australia, including the territorial waters thereof;

PART II. LICENCES

Division 1. General

10. The following licenses may be issued under this Act:

(a) Ship licenses;

(b) Exclusive licenses;

Text of Act provided by the Permanent Mission of Australia to the United Nations.
(c) General Licenses;
(d) Beach combers’ licenses;
(e) Divers’ licenses;
(f) Divers’ tenders’ licenses;
(g) Shell buyers’ licenses;
(h) Pearl dealers’ licenses;
(i) Pearl cleaners’ licenses.

11. No license other than a diver’s, diver’s tender’s, or pearl dealer’s license shall be granted, transferred, or renewed to or in favour of any person who is not a natural born or naturalised British subject.

Division 2. Ship licenses

22. (1) Notwithstanding anything hereinbefore contained, a ship license may be granted, transferred or renewed to or in favour of any alien who, at the commencement of this Act, is the holder of a license under the Pearl Shell Fishery Act, 1886, and any holder of a license under this section may lawfully acquire and have the profits of pearling operations carried on by virtue thereof: but the grant, renewal or transfer of licenses hereunder shall be subject to the following condition:

That the number of ships in respect of which such alien is licensed shall at no time exceed the number in respect of which he was licensed at the commencement of this Act.

(2) Any of the provisions in Part III of this Act or the Fifth Schedule to this Act which would not otherwise apply to non-British ships, or the owners, masters, or crews thereof, may, by proclamation, be made applicable within the jurisdiction of the State to any ships licensed under this section and to the masters, owners, or crews thereof, and such provisions shall then apply accordingly to the same extent as they would be applicable if the ships were owned by British subjects only or were registered as British ships.

Division 3. Exclusive and General Licenses

35. The Minister may (subject to this Act and to payment of the prescribed fee) grant an exclusive license to any person which shall give to the licensee the sole and exclusive right to plant, cultivate, and propagate pearl oyster shell and to gather, collect, and remove pearl-shell and pearls within or from any specific area of the coasts, islands, and territorial waters of Western Australia to be defined in the license or from any portion so defined of a pearl-shell area.

51. No person shall gather, collect, or remove pearls or pearl-shells from any pearl-shell area or from any area which is the subject of an exclusive license, or use or employ or permit or cause to be used or employed a ship or boat (whether licensed or unlicensed) for that purpose, except under the authority of a general or exclusive license.
PART IV. THE REGULATION OF PEARLING OPERATIONS
AND PEARLING SHIPS

101. (1) An inspector may at any time of the day or night —
(a) Enter and search any vessel which he shall on reasonable grounds believe to be engaged or to be about to be engaged in pearling;
(b) Bring any ship which he is satisfied is being used or employed in pearling contrary to this Act into any port, and proceed against the owner, master, or other person liable under any provision of this Act applicable to the case, and hold the ship pending the proceedings;
(c) Enter any fishing station;
(d) Require the owner or master of any vessel or any person in charge of a fishing station to produce and allow to be examined any of the following documents, if in his possession or control, that is to say, any certificate of registry, license, official paper, pearling agreement, muster roll, or other document relating to any ship or boat or to any person employed thereon or who is at the station, and may take copies of any such document or any part thereof;
(e) By order in writing forbid any vessel being employed in pearling, or being sent or taken to sea in order to be employed in pearling without having on board a supply of provisions and articles of protection against cold and heat certified to be sufficient by an inspector or magistrate, or if in his opinion the ship is unseaworthy;
(f) Muster the persons employed at the station or on board any ship or boat engaged in pearling;
(g) Require the owner or master or the person in charge of the station to give any explanation concerning the station or any ship or boat, or any person employed in any ship, boat, or the station, or who is at the station, or concerning any document required to be produced;
(h) Examine the sails, lights, boats, anchors, grapnels, and fishing implements belonging to any ship, boat, or station;
(i) Examine the diving dress, air pump, air-tubes, and gear, and all other gear or tackle in any ship or boat or at a station or at any other place; and by order under his hand forbid the further use of any articles so examined which is, in his opinion, unsafe or insufficient.
(j) Make any inquiries or searches (whether of the person or of premises or effects) that he thinks necessary to ascertain whether any contravention of this Act or of the Aborigines Act, 1905, or of any regulation under either Act, has been committed or about any ship or fishing station;
(k) Employ assistants in and about the exercise of any of the foregoing powers, and use force whether by breaking open doors or otherwise.
(2) No power by this section conferred shall be exercised in respect of any vessel which is South of the twenty-seventh parallel of South Latitude.

PART V. MISCELLANEOUS

109. (1) An inspector may, subject to this Act and the payment of the prescribed fee, grant a beach-comber's license in the prescribed form, which shall give a general but not an exclusive right to collect and remove pearl-shell from such portion or portions of the sea-shore of Western Australia North of the Tropic of Capricorn as shall not for the time being be included in a pearl-shell area or be subject to an exclusive license.
(3) No person shall gather, collect, or remove pearl-shell from any part of the sea-shore of Western Australia North of the Tropic of Capricorn, except under the authority of a beach-comber's or some other license granted under this Act.

(4) For the purposes of this section, "sea-shore" includes all that portion of the shore of the mainland or any island or reef which is uncovered at the lowest tide.

113. (1) It shall be unlawful for any person to produce or attempt to produce, or to sell or offer for sale, or otherwise deal in culture pearls, or to have any culture pearls in his possession, custody, or control for the purpose of selling or otherwise dealing in the same.

Penalty: Five hundred pounds, or imprisonment for not exceeding six months.

(2) The words "culture pearls" mean and include any pearl, baroque pearl or blister pearl not being the natural production of the pearl oyster, but produced by any means of artificial cultivation.

(3) The words "artificial cultivation" mean and include any process, either by the insertion within the shell of the pearl oyster of some foreign substance, or any other artificial treatment of the pearl oyster, whereby the production of a pearl or baroque pearl or blister pearl is, or may be, or is intended to be incited.

(4) Any inspector may enter upon any place within the territorial waters of the State, whether the subject of an exclusive license under this Act or not, and search therein by divers, dredging, or other means, for pearl oysters treated for the cultivation of culture pearls; and may enter into and upon and search any ship or boat or any building or premises within the State used or reasonably suspected of being used for or in connection with the production or cultivation of culture pearls; and if any pearl oysters apparently so treated, or any culture pearls or any plant, apparatus, or instruments used, or apparently intended to be used for or in connection with the artificial cultivation of pearls are found they shall be forfeited to the Crown, and it shall be lawful for the inspector to cause all pearl oysters to be removed from the place in which the cultivation of culture pearls has apparently been carried on, and destroyed or otherwise disposed of.

SCHEDULES

SECOND SCHEDULE

Sharks Bay Pearl-shell Area

The area is bounded by a South-West line from Charles Point on the mainland to Section 5. Cape Ronsard at the North end of Bernier Island, then by the Western shores of Bernier and Dorre Islands to Cape St. Cricq, then by a straight line to Cape Inscription at the North end of Dirk Hartog Island and by its Western shore to Surf Point, thence by a straight line to Steep Point on the mainland, and from thence by the coast line to the starting place at Charles Point.
(j) Whaling Act, 1937 (Western Australia) ¹

4. This Act shall extend to waters within the territorial limits of Western Australia and its Dependencies, to ships registered in Western Australia, whether or not such ships are in the said waters, and to all others ships over which the State of Western Australia may for the time being or from time to time have jurisdiction.

9. (1) A person shall not take or kill —
   (a) Any right whale;
   (b) Any calf or suckling whale or immature whale; or
   (c) Any female whale accompanied by calf or suckling whale.

(2) Any person who has in his possession any calf or whale taken or killed in contravention of this section, or any part or product of any such calf or whale, shall be guilty of an offence.

(3) For the purposes of this section, a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

10. (1) It shall be unlawful for a ship to be used for taking, killing, or treating whales, or for a factory to be used for treating whales, unless the owner or charterer of the ship, or the occupier of the factory, is the holder of a license in force under this Act authorising the ship or the factory, as the case may be, to be so used.

11. A ship designed and equipped for taking, killing, or treating whales shall not be brought into any port or place in Western Australia unless the owner or charterer of the ship is the holder of a license in force under this Act authorising the ship to be used for taking, killing or treating whales, or the ship is duly authorized by the Government of the country whose flag she flies to engage in taking, killing, or treating whales.

Note. See also: Fisheries Act, 1928 (Victoria), section 3 (supra, Chapter I, under States of Australia).

Belgique

(a) Loi du 19 août 1891 relative à la pêche dans les eaux territoriales ²

Article 1er. Conformément aux stipulations des articles 2 et 3 de la convention internationale conclue à La Haye, le 6 mai 1882, approuvée par

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.
² Les Codes Larcier, éd. 1953, t. II, Bruxelles, p. 335.
la loi du 6 janvier 1884, la pêche, soit qu'elle s'exerce à bord, soit qu'elle ait lieu par embarcation détachée, est désormais interdite à tout bateau étranger, dans le rayon de trois milles géographiques de 60 au degré de latitude, comptés à partir de la laisse de basse mer, le long de toute l'étendue de la côte belge.

Sont considérés comme faits de pêche:
1° La capture ou la tentative de capture de tout poisson, mollusque ou crustacé;
2° La destruction ou l'enlèvement du frai, du frein et du naissain.
Le Roi pourra déroger à cette prohibition par des conventions internationales.

Article 2. Un arrêté royal réglera les dispositions auxquelles devront se conformer les bateaux de pêche naviguant ou mouillant dans les eaux territoriales.

(b) Arrêté royal du 5 septembre 1892 réglant les dispositions auxquelles devront se conformer les bateaux de pêche étrangers naviguant ou mouillant dans les eaux territoriales

Article 1er. Durant son séjour dans les eaux belges, tout bateau étranger doit avoir ses engins de pêche rentrés à bord et porter le pavillon de sa nationalité.

Article 2. Il se confrontera aux règles imposées aux bateaux nationaux, concernant les feux, les signaux, les marques et les manœuvres de navigation et de mouillage.

Article 3. Il sera muni de pièces officielles délivrées par les autorités compétentes de son pays, attestant sa nationalité, justifiant de ses marques extérieures et indiquant le nom de son propriétaire et celui du capitaine ou patron.

Ces pièces seront exhibées à toute réquisition des autorités désignées à l'article 3 de la loi du 19 août 1891.

Article 4. Il lui est interdit de gêner la navigation à l'entrée des ports ou des rades et les opérations de pêche des bateaux belges.

En conséquence, il est tenu de déroger immédiatement à l'injonction de se retirer, qui lui sera faite par les autorités belges.

Article 5. Toute infraction aux dispositions du présent arrêté donnera lieu à l'application des mesures et des peines prévues par les articles 4, 7, 9 et 10 de la loi du 19 août 1891.

(c) Loi du 22 août 1901 modifiant l'article 13 du décret du 16 décembre 1811, relatif à la pêche des moules

Article 1er. Seront punis d'une amende de 5 à 25 francs et d'un emprisonnement d'un jour à sept jours ou d'une de ces peines seulement, sans préjudice, le cas échéant, des autres peines édictées à l'égard des étrangers par la loi du 19 août 1891 relative à la pêche maritime dans les eaux territoriales, ceux qui, à l'aide d'instruments quelconques et sans autorisation,

2 Ibid., p. 337.
auront pêché ou recherché les moules, le naissain de moules, les escargots et autres produits maritimes sur les ouvrages dépendant de la côte et des ports du littoral.

(d) **Arrêté royal du 29 octobre 1928 relatif à l'interdiction de l'emploi de certains filets trainants, modifié par celui du 17 novembre 1952**

**Article 1er.** La pêche au moyen de filets trainants pourvus d'une corde de dos dont la longueur est supérieure à 15 mètres, est interdite le long de toute la côte belge à une distance de moins de trois milles géographiques comptés à partir de la laisse de basse mer.

(e) **Arrêté royal du 30 décembre 1950 relatif à la taille minima des mailles des filets, modifiant l'arrêté royal du 5 septembre 1892 qui détermine les restrictions et les mesures nécessaires pour empêcher la destruction et l'enlèvement du frai, du fretin et du naissain par les pêcheurs régionn们都**

**Article 1er.** Les articles 2 et 3 de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945, sont remplacés par les dispositions suivantes:

**Article 2.** Dans les eaux situées au nord du 66° degré de latitude Nord et à l'est du méridien de Greenwich, ainsi que dans les eaux islandaises, situées entre les parallèles de 68° et 62° de latitude Nord et entre les méridiens de 28° et 10° de longitude Ouest, la taille minimum de la maille de filets trainés ou halés sur le fond ou près du fond de la mer doit être telle que lorsque la maille est tirée dans le sens de la longueur du filet, une jauge plate (navette) de 110 mm. de large et de 2 mm. d'épaisseur puisse passer aisément lorsque le filet est mouillé.

Ces dispositions ne s'appliquent pas à la pêche aux maquereaux, aux clupeides et aux crevettes, pour laquelle l'emploi de filets à mailles de dimensions inférieures est autorisé.

**Article 3.** Les longueurs en dessous desquelles les poissons ci-après doivent être rejettés à la mer sont déterminées comme suit:

<table>
<thead>
<tr>
<th>Poisson</th>
<th>Taille minimale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabillaud</td>
<td>30 cm</td>
</tr>
<tr>
<td>Eglefin</td>
<td>27 cm</td>
</tr>
<tr>
<td>Merlu</td>
<td>30 cm</td>
</tr>
<tr>
<td>Plie</td>
<td>25 cm</td>
</tr>
<tr>
<td>Plie cynoglosse</td>
<td>28 cm</td>
</tr>
<tr>
<td>Limande sole</td>
<td>25 cm</td>
</tr>
<tr>
<td>Sole</td>
<td>24 cm</td>
</tr>
<tr>
<td>Turbot</td>
<td>30 cm</td>
</tr>
<tr>
<td>Barbue</td>
<td>30 cm</td>
</tr>
<tr>
<td>Cardine</td>
<td>25 cm</td>
</tr>
<tr>
<td>Merlan</td>
<td>20 cm</td>
</tr>
<tr>
<td>Limande</td>
<td>20 cm</td>
</tr>
</tbody>
</table>

Pour la détermination de la longueur, les poissons sont mesurés dans le sens de leur longueur du bout du museau jusqu'à l'extrémité de la nageoire caudale.

Sont considérés comme provenant de la mer territoriale, les poissons des espèces précitées trouvées à bord des bateaux de pêche naviguant ou mouillant dans les eaux belges.

**Article 2.** A l'article 3bis de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945, est ajouté un deuxième alinéa libellé comme suit:

« La détention à bord de bâtiments de pêche destinés à la pêche dans ces eaux, ainsi que l'usage des engins suivants sont interdits:

1° le chalut muni de bras de filin entre les panneaux et le filet;

2° la chaine de charruage ("Wekker"). »

**Note.** Le premier alinéa de l'article 3 bis de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945 dispose ce qui suit : « Le chalutage avec des filets autres que des filets à la pêche aux crevettes est défendu le long de toute la côte sur une profondeur de mer de moins de trois milles géographiques de la laisse de basse mer. »

**(F)** **Arrêté royal du 25 janvier 1951 régissant la recherche et la cueillette de moules, de naissain de moules, d'escargots et d'autres produits maritimes sur les ouvrages de la côte et des ports du littoral.**

**Article 1er.** Nul ne peut rechercher ni cueillir des moules, du naissain de moules, des escargots ou d'autres produits maritimes sur les ouvrages de la côte et des ports du littoral sans avoir obtenu, à cet effet, l'autorisation écrite et préalable de l'ingénieur en chef-directeur du service spécial de la côte (administration des ponts et chaussées à Ostende) ou de son délégué, ou de la société anonyme « Compagnie des Installations maritimes de Bruges », en ce qui concerne les ouvrages concédés à cette société.

**Brazil**

**Legislative Decree No. 794 of 19 October 1938 Approving and promulgating the fishing code.**

**Chapter I**

*Fishing and its practice*

**Article 2.** Fishing is divided, according to the waters in which it is practised, into inland and maritime fishing, and the latter is subdivided into shore fishing, coastal fishing and high-sea fishing.

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1. Shore fishing is fishing carried on in ports, bays, inlets, lagoons, lakes and arms of the sea, canals or any other basins of salt or brackish water, even if they only communicate with the sea during part of the year.

2. Coastal fishing is fishing carried on within a distance of twelve miles from the coast, measured perpendicularly to it.

3. High-sea fishing is fishing carried on outside territorial waters.

Article 4. All animals and vegetables in waters that are public property, according to the definition contained in Articles 6 to 11 of the Waters Code, promulgated as Legislative Decree No. 24,643 of 10 July 1934, shall be public property.

Article 5. Only Brazilians are authorized to carry on and engage professionally in the fishing and related industries.

Sole paragraph. The requirement laid down in this article also applies to owners of fishing vessels and to the directors of civil, commercial and industrial companies engaged in the fishing industry.

CHAPTER IV

General restrictions on fishing

Article 15. It is forbidden to fish:

(a) With nets or gear of any sort or type, however named, in places where they interfere with navigation;

(b) With static nets or gear which prevent the free movement of aquatic animal species in the entrances of harbours, rivers, streams and canals or within five miles of such places;

(c) With trawling nets or gear of any sort or type, however named, in inland or shore fishing;

(d) With trawls within three miles of the coast;

(e) With beach-seines in shore or inland fishing or in the vicinity of river-mouths;

(f) With drag-nets within two hundred metres of the shore, in bays or inlets;

(g) With dynamite or any explosive;

(h) With poisonous substances;

(i) Within 500 metres of the discharge pipes of sewers;

(j) Within 200 metres, either at the upper or at the lower level, or waterfalls, water-mills, weirs or fish-ladders;

(k) With a torch or light of any kind, if such a procedure can interfere with navigation;

(l) In other places prohibited by the Game and Fisheries Service;

(m) By means of any system or process which, in the opinion of the Game and Fisheries Service, is prejudicial to the rearing or breeding of aquatic animal species.

1. Persons violating this article shall be liable to a fine of from one hundred thousand to two million réis, to be increased to twice the amount if the offence is repeated.
2. The violation of sub-paragraphs (g) and (h) shall be regarded as a crime, and persons who violate them shall be liable to the penalties provided by the Consolidated Penal Laws.

.. .

**Article 38.** Foreign vessels and Brazilian vessels manned by aliens are forbidden to carry on fishing in Brazilian territorial waters.

Sole paragraph. In case of violation of this article the vessel and its fishing gear and cargo shall be seized as contraband and the offence shall be punishable under the laws governing the subject.

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**Canada**

(a) *Fisheries Act, 1932* ¹

**Interpretation**

2. In this Act,

(a) "Canadian" means a British subject resident in Canada;

(b) "close time" means a specified period during which fish to which it applies, may not be fished;

(c) "fish" includes shell fish, crustaceans and marine animals;

(d) "fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net weir, or other fishing appliance used in connection therewith;

(e) "fishing" means fishing for or catching fish by any method;

(f) "fishing vessel" includes any ship or boat, or any other description of vessel used in fishing;

(g) "lawful excuse" means

(i) Ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

(ii) The unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;

(h) "Minister" means the Minister of Fisheries. 1932, c. 42, s. 2.

.. .

**Fishery Leases and Licenses**

7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences for fisheries or fishing, wheresoever situate or carried on; but except as hereinafter provided, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council. 1932 c. 42, s. 7.

.. .

**General Prohibitions**

21. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place,

¹ *Revised Statutes of Canada, 1952*, Chapter 119.
use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery. 1932, c. 42, s. 21.

31. No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear implements or appliances used in such fishing. 1932, c. 42, s. 31.

Injury to Fishing Grounds and Pollution of Waters

33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

(2) No persons shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or saw dust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water. 1932, c. 42, s. 33.

Regulations

34. (1) The Governor in Council may make regulations

(a) To prevent or remedy the obstruction and pollution of streams;

(b) To regulate and prevent fishing;

(c) To prohibit the destruction of fish or eggs of fish;

(d) To forbid fishing except under authority of leases or licences;

(e) Prescribing the time when and the manner in which fish may be fished for and caught;

(f) To prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof; and without restricting the foregoing provisions of this section,
(g) Generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

(2) Every offence against any regulation may be stated as in violation of this Act. 1932, c. 42, s. 34.

Powers of Fishery Officers and Other Justices

35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used. 1932, c. 42, s. 35.

36. Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this Act, or of any regulation, or anything used in violation thereof, is concealed. 1932, c. 42, s. 36.

37. Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act or any regulation, or whom he finds committing or preparing to commit an offence against this Act or any regulation. 1932, c. 42, s. 37.

38. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before any fishery officer for either fishery district. 1932, c. 42, s. 38.

41. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. 1932, c. 42, s. 41.

43. The Minister, or any fishery officer duly authorized by the Minister, has power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act. 1932, c. 42, s. 43.

45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the
waters, where for the time being and for the purposes above described, they are so engaged. 1932, c. 42, s. 45.

**General**

49. Special licences and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence has the exclusive right to the oysters produced or found on the beds within the limits of such lease or licence. 1932, c. 42, s. 49.

**Offences and Penalties**

55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

(b) Knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an “otter” or other trawl of a similar nature, or any vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words “three miles” shall be substituted for the words “twelve miles”.

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

(5) Regulations may be made under the provisions of section 34

(a) Prescribing the form of licence;
Specifying the evidence to be submitted with an application for a licence;

Fixing the conditions under which a licence shall be issued; and

Making any other provisions respecting licences.

The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused, and intent or knowledge shall be presumed unless negatived by proof. 1932, c. 42, s. 56; 1934, c. 6, s. 1; 1949, c. 6, s. 27.

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs; or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence. 1932, c. 42, s. 60.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. 1932, c. 42, s. 61.

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. 1932, c. 42, s. 64.
Interpretation

2. In this Act
(a) "Canadian fishing vessel" means a fishing vessel that is
   (i) Registered in Canada,
   (ii) Owned by one person domiciled and resident in Canada,
   (iii) Owned by two or more persons, all of whom are domiciled and
        resident in Canada, or
   (iv) Owned by a body corporate incorporated under the laws of Canada
        or the laws of a province and having its principal place of business in
        Canada;
(b) "Canadian territorial waters" means any waters designated by
    any Act of the Parliament of Canada or by the Governor in Council as the
    territorial waters of Canada, or any waters not so designated being within
    three marine miles of any of the coasts, bays, creeks, or harbours of Canada,
    and includes the inland waters of Canada;
(c) "fish" includes shellfish, crustaceans and marine animals;
(d) "fishing" means fishing for or catching or killing fish by any
    method;
(e) "fishing vessel" includes any ship or boat or any other description
    of vessel used in or equipped for fishing or processing fish or transporting
    fish from fishing grounds and includes any vessel used or equipped for
    taking, processing or transporting marine plants;
(f) "foreign fishing vessel" means a fishing vessel that is not a Cana-
    dian fishing vessel;
(g) "government vessel" means any vessel that belongs to or is in the
    service of Her Majesty in right of Canada;
(h) "Minister" means the Minister of Fisheries; and
(i) "Protection Officer" means
   (i) A fishery officer within the meaning of the Fisheries Act,
   (ii) An officer of the Royal Canadian Mounted Police,
   (iii) Any commissioned officer of the Royal Canadian Navy, or
   (iv) Any person authorized by the Governor in Council to enforce this
        Act.

Foreign Fishing Vessels

3. (1) No foreign fishing vessel shall enter Canadian territorial waters
     for any purpose unless authorized by
     (a) This Act or the regulations,
     (b) Any other law of Canada, or
     (c) A treaty.
     (2) No person, being aboard a foreign fishing vessel or being a member
         of the crew of or attached to or employed on a foreign fishing vessel shall
         in Canada or in Canadian territorial waters
         (a) Fish or prepare to fish,
         (b) Unload, land or transship any fish, outfit or supplies,
         (c) Ship or discharge any crew member or other person,

1 Statutes of Canada, 1952-1953, Chapter 15.
(d) Purchase or obtain bait or any supplies or outfits, or
(e) Take or prepare to take marine plants unless he is authorized to do so by
(f) This Act or the regulations,
(g) Any other law of Canada, or
(h) A treaty.

(3) No person, being aboard a Canadian fishing vessel, shall bring into Canadian territorial waters fish received outside Canadian territorial waters from a foreign fishing vessel, unless he is authorized to do so by the regulations.

Regulations

4. The Governor in Council may make regulations
(a) For authorizing, by means of licences, permits or otherwise,
(i) Foreign fishing vessels to enter Canadian territorial waters for any purpose specified in the regulations, or
(ii) Persons to do all or any of the things described in paragraphs (a) to (e) of subsection (2) of section 3 or in subsection (3) of section 3;
(b) Respecting the issue, suspension and cancellation of any licences or permits provided for under paragraph (a), prescribing their terms, conditions and forms and the fees payable therefor;
(c) For appointing or authorizing persons to enforce the provisions of this Act and the regulations;
(d) Designating territorial waters of Canada for the purposes of this Act;
(e) For securing and keeping any fishing vessels or things seized pursuant to this Act; and
(f) Generally for carrying out the purposes and provisions of this Act.

Inspection. Seizure and Forfeiture

5. A Protection Officer may
(a) Go on board of any fishing vessel found within Canadian territorial waters and stay on board so long as she remains within Canadian territorial waters,
(b) Bring the fishing vessel into port and search her cargo, and
(c) Examine the master or any member of the crew upon oath touching the cargo and voyage.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that an offence against this Act has been committed, he may seize
(a) Any fishing vessel by means of or in relation to which he reasonably believes the offence was committed,
(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or
(c) The fishing vessel and any of the goods mentioned in paragraph (b).
(2) A Protection Officer may arrest without warrant any person whom he on reasonable grounds suspects of having committed an offence against this Act.
(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.
(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) Any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof, be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order redelivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4), shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

Offences and Penalties

7. Every person is guilty of an offence who

(a) Being master or in command of a fishing vessel,

(i) Enters Canadian territorial waters contrary to this Act, or
(ii) Without legal excuse, the proof whereof shall lie on him, fails to bring to when required so to do by any Protection Officer or upon signal of a government vessel;

(b) Being aboard a fishing vessel, refuses to answer any questions on oath put to him by a Protection Officer;

(c) After signal by a government vessel to bring to, throws overboard or staves or destroys any part of the vessel's cargo, outfit or equipment; or

(d) Resists or wilfully obstructs any Protection Officer in the execution of his duty.

Jurisdiction of Courts

9. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respects to offences under this Act as they have under sections 680 to 692 of the Canada Shipping Act, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the Canada Shipping Act.

(c) ORDER IN COUNCIL P.C. 1954-1586 OF 19 OCTOBER 1954

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 4 of the Coastal Fisheries Protection Act, is pleased, hereby, to order that during the calendar year 1955 the Minister of Fisheries shall have authority,

1. To issue licences to United States fishing vessels enabling them to enter any port on the Atlantic coast of Canada for the purposes of the purchase of bait, ice, seines, lines and all other supplies and outfits, the fee for each licence to be one dollar.

2. Subject to the customs laws, to permit the landing in any Canadian port on the Atlantic coast of any fish on board of any disabled United States fishing vessel in port for repairs, upon such conditions as the Minister may determine.

3. To permit, by Notice published in the Canada Gazette, United States fishing vessels to pass through that part of the Canadian territorial waters in British Columbia commonly known as the “Inside Passage” upon such conditions as the Minister may prescribe.

4. To permit, by Notice published in the Canada Gazette, United States sport fishing vessels to enter Canadian territorial waters for sport fishing subject to compliance with applicable fisheries, customs and navigation laws of Canada and any conditions prescribed by the Minister.

5. To issue licences to any foreign fishing vessels, enabling them to enter any port in the Provinces of Newfoundland and Nova Scotia, during the period or periods of the calendar year stated in such licences, for any or all of the following purposes, viz: the purchase of bait, ice, seines, lines and all other supplies and outfits, the fee for each licence to be one dollar.

1 Statutory Orders and Regulations, 1954-482.
(d) MINISTERIAL NOTICE OF 22 DECEMBER 1954

Pursuant to authority vested in me by Order in Council P.C. 1954-1586 of 19th October, 1954, notice is hereby given that during the calendar year 1955 United States fishing vessels are permitted to pass through that part of the Canadian territorial waters in British Columbia, commonly known as the "Inside Passage" upon the following conditions:

1. That all fishing gear is removed from its normal position of operation on board the vessel and stowed in such manner that it is not in readiness for fishing.

2. That the fishing vessels comply with any directions given by a Protection Officer.

(e) MINISTERIAL NOTICE OF 5 FEBRUARY 1954

Pursuant to the provisions of Order in Council P.C. 1954-44 of 14th January, 1954, notice is hereby given that during the year 1954 United States sport fishing vessels are permitted to enter Canadian territorial waters for sport fishing subject to compliance with applicable fisheries, customs and navigation laws of Canada.

(f) FISHERY REGULATIONS FOR THE PROVINCE OF PRINCE EDWARD ISLAND, ADOPTED BY ORDER IN COUNCIL (P.C. 837) OF 11 MAY 1927

Section 19. Trawlers prohibited. 1. The use or operation of vessels known as trawlers, operating "beam", "otter", or other trawls of a similar nature for the purpose of catching fish, is prohibited within the territorial waters of Canada.

Note. See also: Northern Pacific Halibut Fishery Convention Act (Statutes of Canada, 1953, Chapter 43); Pelagic Sealing (Provisional Agreement) Act (Revised Statutes of Canada, 1952, Chapter 205); Sockeye Salmon Fisheries Convention Act (ibid., Chapter 252); Whaling Convention Act (ibid., Chapter 293); Northern Pacific Fisheries Convention Act (Statutes of Canada, 1953, Chapter 44); and Northwest Atlantic Fisheries Convention Act (ibid., 1954, Chapter 18). The three first Acts mentioned above have been published with certain modifications in United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, pp. 200, 207, 224.

Ceylon

(a) FISHERIES ORDINANCE No. 24 OF 1940, AS AMENDED UP TO 1952

Fishing licences and registration of fishing boats

5. Subject as hereinafter provided, no person shall take, or employ any other person to take, any fish for profit in Ceylon waters except under the

1 Statutory orders and Regulations, 1954-720.
4 Text of Ordinance provided by the Ministry for External Affairs of Ceylon.
authority of a fishing licence granted by a prescribed officer under this Ordinance:

Provided, however, that nothing hereinbefore contained shall apply —
(a) To a Ceylonese or a Ceylon company;
(b) To a person who is employed by, and takes fish on behalf of, a Ceylonese or a Ceylon company or the holder of a fishing licence; and
(c) To any person who is a member of a class of persons exempted by regulation from the necessity for obtaining a fishing licence.

9. Regulations may be made providing for the registration of fishing boats used for the purpose of taking fish in Ceylon waters, and of the owners of such boats.

10. On or after such date as may be prescribed, no person shall use any fishing boat for the purpose of taking fish in Ceylon waters, unless the boat has been registered under this Ordinance.

Powers of officers, offences, regulations, &c.

19. The Director or any prescribed officer, or any person authorised in writing by the Director either generally or specially in that behalf, may —
(a) Go on board any fishing boat which is for the time being within Ceylon waters and may make such examination of the boat, the personnel of the crew thereof, the nets and other equipment carried therein and the fish found therein, as may be necessary for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened;
(b) Examine any fishing nets, fishing kraals, fishing stakes or other fishing equipment, which may be found in Ceylon waters;
(c) Enter any premises in which fish is stored, kept or cured for profit, or in which any aquarium is maintained for profit, and examine any fish found therein for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened.

19A. (1) Any officer appointed under section 2 (1) may, if he has reason to believe that any offence under this Ordinance has been committed, seize and detain any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connection with the commission of the offence, or any fish taken in the course of such commission.

20. For the purposes of this Ordinance it shall be presumed until the contrary is proved —
(a) That where any fish is found at any time in any fishing boat at any place in Ceylon or in Ceylon waters, such fish was taken —
(i) By the owner of that boat, if he is in the boat at that time or if no person is found in the boat at that time, or
(ii) By the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time;
(b) That any person who takes, or is presumed under paragraph (a) —
(ii) To have taken, any fish from a fishing boat of which he is not the owner, is employed by the owner of that boat for the purpose of taking such fish;
(c) That where any fishing boat which has not been registered is at any time within Ceylon waters, any fish found in that boat at that time was taken for profit in Ceylon waters;

(d) That any fish which is not taken for sport, scientific research or for any other prescribed purpose, is taken for profit.

25. Where any offence under this Ordinance is committed by any person in any part of the sea which is within Ceylon waters, the Magistrate's Court having jurisdiction —

(a) Over that part of the coast nearest to the place at which the offence was committed; or

(b) Over the place at which the person comes ashore after the commission of the offence,

shall have jurisdiction to try the offence.

26. (1) The Executive Committee may make regulations for the regulation and control of the fishing industry, for the protection of fish in Ceylon waters, and generally for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

27. In this Ordinance, unless the context otherwise requires —

"Ceylon waters" includes —

(a) The territorial waters of Ceylon; and

(b) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds and channels and all other public inland waters;

"territorial waters" means the part of the sea within a distance of three nautical miles from any point of the coast of Ceylon measured from low-water mark of ordinary spring tides.

(b) Chanks Ordinance of 30 June 1891, as amended by Chanks (Amendment) Act No. 12 of 1948

2. The Minister may, by notification published in the Gazette, declare any area within the coastal waters of the Island to be a chank fishery area.

3. (1) On and after such date as may be appointed by the Minister and notified in the Gazette, no person shall, within any chank fishery area —

(a) Carry out any operations for taking chanks, or take any chanks, unless he is the holder, or the agent or servant of the holder, of a permit in force under this Ordinance authorising him to take chanks in that area; or

1 For the text of the Chanks Ordinance, 30 June 1891, see Legislative Enactments of Ceylon, Revised Edition, 1938, vol. IV, p. 295. The amendment to this Ordinance has been provided by the Ministry for External Affairs of Ceylon. The Chanks Ordinance, 30 June 1891, as amended, is to be replaced by the Chanks Fishery Act No. 8 of 1953 as soon as that Act enters into force, under Section 17 thereof.
(b) Use or employ any vessel for the purpose of taking chanks, unless that vessel has been registered under this Ordinance in his name and that area is specified in the registration card thereupon issued to him as a chank fishery area in which that vessel may be used, and unless the registration card is in the vessel at the time when the vessel is so used.

(2) If any person takes chanks, or uses or employs a vessel for the purpose of taking chanks, in contravention of this section, he shall be guilty of an offence punishable on conviction after summary trial by a Magistrate with imprisonment of either description for a term not exceeding six months, or with a fine not exceeding one hundred rupees, or with both such imprisonment and such fine; and every vessel so used or employed as aforesaid, together with all chanks unlawfully taken, may be declared by the Magistrate to be forfeited to the Crown.

24. (1) It shall not be lawful for any person to fish for, dive for, or collect bêche-de-mer, coral, or shells in the seas within the limits defined in Schedule B except in accordance with rules for the regulation, supervision, protection, or control of such operations which may be made by the Governor and published in the Gazette and every person who shall fish for, dive for, or collect, or who shall use or employ any vessel in the collection of bêche-de-mer, coral, or shells in the said seas, except in accordance with such rules shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every vessel so employed as aforesaid, together with all bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited:

Provided that—

(a) Nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less;

(b) It shall be lawful for the Governor from time to time or at any time, by notification in the Gazette, to alter the limits defined in Schedule B, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance;

(c) Rules made under this section shall not be construed so as to permit any person to fish for, dive for, or collect bêche-de-mer, coral, or shells within the area specified in Part I of the First Schedule to the Pearl Fisheries Ordinance.

25. (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any Fisheries Inspector or by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the Government Agent of the province or the Assistant Government Agent of the District within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such Inspector, officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, vessel, dredge, or apparatus
seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence, and liable to a fine of one hundred rupees.

28. In this Ordinance unless the context otherwise requires —

"coastal waters" means the part of the sea within a distance of three nautical miles from any point on the coast of the Island measured from low water mark of ordinary spring tides;

SCHEDULE B

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talaivilla.

(c) Whaling Ordinance of 4 July 1936

3. (1) No person shall, within the coastal waters of the Island, kill or take or attempt to kill or take —

(a) A right whale, or
(b) An immature whale, or
(c) A female whale which is accompanied by a calf.

4. (1) Without prejudice to the provisions of section 3, no person shall use any vessel for the purpose of taking or treating whales within the coastal waters of the Island or use any factory situate within the Island for the purpose of treating whales, unless the master of the vessel or the occupier of the factory is the holder of a licence in force under this Ordinance authorising the vessel or the factory, as the case may be, to be so used.

7. (1) Notwithstanding anything in this Ordinance contained, the Marine Biologist may, with the approval of the Executive Committee and of the Governor, grant to any person a special permit authorising that person to kill, take or treat whales within the coastal waters of the Island for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as may be specified in that permit; and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Ordinance.

(2) The Marine Biologist may at any time, with the approval of the Executive Committee and of the Governor, revoke a permit granted by him under this section.

1 Legislative Enactments of Ceylon, vol. IV, Revised 1938, p. 313.
11. In this Ordinance, unless the context otherwise requires —

"coastal waters" means the part of the sea within a distance of three nautical miles from any point on the coast of the Island measured from low water mark of ordinary spring tides;

(d) Pearl Fisheries Ordinance, 12 February 1925

PART I

Preliminary

2. In this Ordinance, unless the context otherwise requires —

"pearl bank" means the areas from time to time specified in the First Schedule and includes the bed of any pearl bank. The said Schedule may from time to time be altered by regulation;

"pearl oyster" means pearl-bearing oysters of all descriptions, and includes the mollusc commonly called the "window pane oyster" or "the Tampalakam pearl oyster," and scientifically known as Placuna Placenta, as well as any other pearl-producing molluscs which may be introduced, or laid down, off the coasts of Ceylon, or in the bays or inland waters of the Island;

3. The exclusive right of fishing for and taking pearl oysters off the coasts of Ceylon and in all bays and inland waters of the Island is vested in the Crown.

PART II

Regulation of Pearl Fisheries

4. (1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorising him so to do.

5. Regulations may be made regulating the fishing or diving for or collection of pearl oysters under a pearl fishery licence and the use of vessels for such purposes and the forms of and the fees to be charged for pearl fishery licences, and generally for the protection, management, control, development, and improvement of the pearl fisheries off the coasts of Ceylon or in any bay or inland water of the Island.

1 Legislative Enactments of Ceylon, vol. IV, Revised 1938, p. 300.
9. (1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorised by a Government Agent, Assistant Government Agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in the Island for adjudication.

(2) As soon as may be after the arrival of a vessel seized under this section proceedings shall be commenced before a Magistrate against the person appearing to be in charge of the vessel and the owner thereof, if known and in the Island, alleging that the vessel has been used for the unlawful collection of pearl oysters, and in such proceedings, unless satisfactory evidence is given that the vessel had not been used for the unlawful collection of pearl oysters, the Magistrate may declare that the vessel and her gear shall be forfeited to the Crown, unless a fine not exceeding one thousand rupees is paid within a time to be specified in the order, and shall also declare all appliances found in the vessel and appearing to be intended for the collection of pearl oysters and any pearl oysters or pearls found in the vessel to be forfeited to the Crown.

(3) If such proceedings are not commenced within one month from the arrival of the vessel, then, unless the delay is accounted for to the satisfaction of the Magistrate, the Magistrate shall, on the application of the owner of the vessel or of the person in charge, order the vessel to be released.

China

Chinese Fisheries Act of 1 July 1930, as amended

Article 3. Any person who has acquired the right of fishing in the territorial seas or any other public waters of the Republic of China shall, in accordance with the provisions of this Act, apply to the appropriate administrative authorities for approval and registration, which, in turn, shall report to the competent Board and Ministry concerned for record.

The application mentioned in the above paragraph shall be restricted to persons who possess the nationality of the Republic of China.

Article 20. The administrative authorities concerned, may, in approving the operation of fisheries, impose such restrictions or conditions as are necessary to ensure the natural multiplication and growth of marine fauna and flora or to protect other public interests.

1 This Act was promulgated on 11 November 1929, brought into operation on 1 July 1930, amended on 5 August 1932 and on 1 November 1932. Translation by the Secretariat of the United Nations. This translation is based upon the Chinese text of the Act as it appears in The Newest Code of China, compiled by Yu Ssu-ping and published by the Far East Publishing Co., Taipei, Taiwan, 1953, pp. 1521-1526.
Article 22. The administrative authorities concerned may restrict or suspend the operation of fisheries already approved or rescind its approval when:

1. Any such action is necessary to ensure the natural multiplication and growth of marine fauna and flora;
2. Any such action is necessary in the interests of navigation and mooring of ships;
3. Any such action is necessary for the installation of submarine cables or for national defence and other military reasons;
4. The operation of such fisheries is found detrimental to the public interest.

Chile

Law No. 4601 of 18 June 1929

Article 7. Only Chileans and aliens domiciled in Chile who employ exclusively Chilean vessels and comply with the requirements of the Law may engage in maritime hunting in the territorial sea.

For the purposes of this article, a vessel shall be deemed Chilean if it fulfils the conditions regarding nationality prescribed in article 10 (2) of Law No. 4144 of 26 June 1927 or in article 38 of the Regulations giving effect thereto, contained in Executive Decree No. 2557, issued by the Treasury on 24 November 1927.

Note. See also: Civil Code, 14 December 1855, article 611 (supra, Chapter I, under Chile (a)); Presidential Regulation of 23 June 1947 concerning the continental shelf (supra, Chapter I, under Chile (b)).

Colombia

Act No. 96 of 7 December 1922, conferring powers upon the Government to regulate fishing in the waters of the Republic

Article 1. The Government is hereby empowered to organize fishing in the waters of the Republic as it may deem most beneficial to the national interests.

Article 2. The Government may, if in organizing fishing as aforesaid it decides to enter into an agreement to delegate administration, fix for such agreement a term longer than that laid down by the Fiscal Code but not exceeding ten years.

Article 3. If the Government adopts a system of grants for the pearl fisheries, it may establish different tariffs according to the method of working.

Article 4. Act No. 58 of 1914 is hereby amended in accordance with the foregoing articles.

Note. See also: Law No. 14 of 31 January 1923 amending the Law concerning deposits of hydrocarbons, article 17 (supra, Chapter I, under Colombia (a)).

1 Text of Law provided by the Permanent Mission of Chile to the United Nations. Translation by the Secretariat of the United Nations.
Costa Rica

(a) Maritime Fishing and Hunting Act, enacted by Decree No. 190 of 28 September 1948, as amended by Decree No. 426 of 8 March 1949.

The Founding Junta of the Second Republic

Considering:

That this Junta has made the declaration incorporating the submarine wealth enclosed by our continental and insular shelf and the maritime zone adjacent to the continental and insular coasts of the nation, and that fishing and maritime hunting should be placed under the control of the State because the defective utilization thereof constitutes a danger to the biological conservation of the species; that it is fitting also to bring fishing in the rivers and lakes of the country under such control; and that it is also in the national interest to promote the industries which are derived from fishing and maritime hunting;

Therefore, decrees the following:

Maritime Fishing and Hunting Act

Article 1. Fishing concerns a natural resource which is part of the national wealth and the regulation thereof is therefore within the competence of the Executive Power for which purpose the present decree is issued to prescribe the conditions for the right to work such resources and to lay down rules for the exercise of that right, a rational utilization, a higher economic output and the conservation and protection of the species which live in the water.

Article 7. Fishing and maritime hunting in the waters under the protection and control of the State shall be carried out solely by vessels, installations or floating factories registered in Costa Rica or by vessels of foreign registry, provided they have obtained the authorization of the Ministry of Agriculture and Industry.

(b) Regulation No. 363 of 11 January 1949 as amended by Decree No. 739 of 4 October 1949.

Fisheries

Article 1. Maritime fisheries shall be classified as:

(a) Coastal fishing, if carried on by vessels at a distance not exceeding twelve miles from the coast;

(b) Sea fishing, if carried on by vessels at a distance of not less than twelve and not more than 200 miles from the coast;

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(c) Deep-sea fishing, if carried on by vessels at a distance of more than 200 miles from the coast.

Contraventions

Article 11. For the purposes of the penalties presented in article 30 of the Sea Fisheries Act, contraventions of the said Act and of the present Regulations shall be either minor offences or major offences, according to the classification hereunder.

Article 12. It shall be deemed to be a minor offence

(a) To fish with lawful equipment in places where fishing is prohibited, provided that the offence does not cause prejudice to a third party;
(b) To fish with equipment or gear not marked with the proper flag by day and with the lights required by night;
(c) To engage in fishing without the lights required by night;
(d) To fish with equipment or gear not marked with the proper flag by day and with the lights required by night;
(e) To navigate without the lights required by night;
(f) To engage in fishing without the authorization of the Department of Conservation and Fisheries, in cases in which the persons concerned are Costa Rican nationals operating from the shore;
(g) To leave products of or refuse from fishing activities on beaches or shores or to throw the same into the sea at a distance of less than three miles from the coast.

Article 13. It shall be deemed to be a major offence

(a) To engage in maritime fishing or hunting, or to carry on any business or industry using the products of maritime fishing and hunting, or to transport, preserve or otherwise use the said products for commercial purposes, unless the permits and documents mentioned in these regulations have first been obtained;
(b) To use explosives or chemical and poisonous substances injurious to fish life, or even to be in possession of such substances on board any vessel without good and sufficient reason;
(c) To take sperm whale (marsopa) intentionally. It shall be sufficient grounds for applying the prescribed penalty if parts of a sperm whale are found aboard a vessel;
(d) To make any untruthful statement in any report or to give false particulars with the object of evading the payment of some charge or tax;
(e) To use any type of drag-net or chinchorro within the area designated by the Ministry of Agriculture and Industry; this provision shall not, however, apply to seine nets used for sardine and anchovy fishing.

Article 15. Violations of the Maritime Fisheries Act or of the present Regulations shall constitute grounds for endorsement of the navigation licenses of masters and pilots by the Department of Conservation and Fisheries, a measure which may involve temporary or permanent suspension of such licenses, in the case of Costa Rican nationals, or, in the case of aliens, permanent withdrawal of the right to fish in Costa Rican territorial waters.
Article 23. Every person who proposes to engage in fishing from vessels of Costa Rican or foreign registry must first register with the Seaman's Employment Exchange of the Department of Conservation and Fisheries, and every ship owner, whether a Costa Rican national or an alien, or in his absence, the master or duly authorized representative, shall apply to the aforesaid office for the necessary crew which he may select from the existing lists.

Cuba

(a) Legislative Decree No. 704 of 28 March 1936:
General Fisheries Statute

Article 1. Fisheries being part of the natural resources which constitute the wealth of the nation, the exploitation, regulation, use, conservation and development of fisheries and all trade and industry connected therewith shall be governed by this Legislative Decree.

Article 2. All species of fish, crustaceans and molluscs, including pearl oysters and mother-of-pearl, sponge fisheries, coral, aquatic mammals and reptiles, marine plants and all other species of marine and river flora and fauna shall be in the ownership of the State and available for the common use of the people. Any person normally resident in the Republic may freely fish, remove, utilize and market these resources, subject only to the provisions of this Legislative Decree of the Regulations made to give effect thereto and of such other rules and orders as may be enacted; and it shall not be lawful to grant to any individual or body corporate any monopoly, public contract or lease of any kind whatsoever conferring fishing rights in or about the whole or part of any sea area, river, bay, harbour, creek, cove, inlet, lagoon, channel, cay, offshore island or the like, if the effect of the grant would be to confer privileges which infringe the right of common use vested in the people.

Article 3. Subject to the prior approval of the competent advisory fisheries authority and subject further to the provisions of the relevant regulations, concessions may nevertheless be granted in coastal areas, around cays and in rivers or other appropriate places, for the development, hatching, rearing, improvement and propagation of molluscs.

Article 4. For purposes of fishing, regardless of the form or object thereof or of the method employed, the breadth of Cuban territorial waters shall be three miles measured from the base line on the Cuban coast.

Article 5. For the purposes of this Legislative Decree, the term "base line" means the low-water line along the Cuban coast.

Where the coast is indented or cut into by harbours, rivers, creeks or other features, the base line shall be deemed to follow the straight line drawn across the entrance of the indentation, provided that such entrance does not exceed six miles.

1 Revista Cubana de Derecho, Marzo 1-31 de 1936, Año VIII, No. 3, p. 188. Translation by the Secretariat of the United Nations.
**Article 7.** As a general rule, only residents who possess the status of Cuban nationals may engage in fishing in the waters of the Republic.

**Article 11.** It shall be a condition that the beneficial owner of any undertaking which engages in fishing any of the species to which this Legislative Decree relates must be a Cuban national by birth.

**Article 35.** Fishing by means of small dragnets (chinchorros), trammels or other nets shall be strictly prohibited in rivers and the mouths of rivers, in areas extending one mile seaward and on either side of all natural and artificial hatcheries, entrances leading thereto and spawning grounds, and in channels, harbours, bays, anchorages and other places where such equipment might endanger or interfere with shipping.

**Article 36.** Fishing by the methods known as *bou*, *bolinche* or *boliche* and fishing with seines shall be strictly prohibited at all times and in all parts of the territorial waters of the Republic.

(b) **General Regulations concerning fisheries, approved by Decree No. 973 of 8 May 1939**

**CHAPTER I**

**General Provisions**

**Article 1.** Whereas in accordance with the provisions of Legislative Decree No. 704 of 28 March 1936, article 2, all species of fish, crustaceans, molluscs, oysters, pearl oysters, mother-of-pearl, sponge fisheries, coral, mammals, aquatic reptiles, marine plants and all other species of marine and river flora and fauna are the property of the State and form part of the public domain for the public use, they may be fished, extracted, utilized and traded in by any habitual resident of the Republic subject to the provisions of Legislative Decree No. 704, and of the present Regulations, and to orders of the Fisheries Advisory Committee, or of the Chief of the Naval Staff of the Republic made under the powers conferred upon him by articles 70 and 71 of the said Legislative Decree No. 704 of 28 March 1936.

**Article 2.** No monopoly, contract or lease of any kind conferring privileges in derogation of the public rights mentioned in the foregoing article may be granted to any individual or corporate body for fishing in any of the waters of the sea, rivers, bays, ports, creeks, coves, inlets, lagoons, channels, schoals, adjacent islands or the like or of any part thereof.

**Article 10.** An authorization of the kind referred to in Legislative Decree No. 704, article 3, may be granted only if enquiry into the application shows that the grant would not in any way affect general interests, and in particular navigation and fishing, or the free movement of fish, or beds or other State-owned natural spawning grounds, for which the limits have been fixed at three kilometres.

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CHAPTER II

Fishing Licenses

Article 12. The condition in Legislative Decree No. 704, article 7, requiring Cuban citizenship shall be construed to apply to all persons engaged in fishing as a profession, craft or calling for commercial or industrial purposes, and hence not to persons fishing for sport, amusement or recreation, or, subject to any statutory provision or regulation relating to nationalization of labour or the like, to persons employed as fishermen, employees or labourers by corporations, companies or employers engaged in fishing.

Article 16. A vessel of any type, except a small auxiliary craft carried aboard a fishing vessel, must if fishing either alone or in collaboration with other craft be licensed as required by article 9 of the Legislative Decree.

Article 20. Any private person engaging in fishing as a sport, amusement or recreation in accordance with the provisions of article 10 of the Legislative Decree must procure the requisite special permit in writing from the head of the Department of Merchant Marine, Fisheries and Lighthouses or from the Port Captain in whose jurisdiction he wishes to fish, and must comply with all regulations in force. Such permit may likewise be issued by the Corporación Nacional de Turismo, which shall for such purpose be a legal person, to any tourist wishing to fish for amusement or recreation in Cuban jurisdictional waters.

(c) DECREE No. 142 OF 23 JANUARY 1941 CONCERNING FISHING AND NAVIGATION

Article 4. The Ministry of Agriculture shall be responsible for all matters relating to fisheries, fishery concessions, and crawls and parks for the rearing and breeding of shell-fish; and also for the issue of permits for the extraction and transport of salt and sand.

Article 5. The National Fisheries Board (Junta Nacional de Pesca), established by Decree No. 368, of 17 May 1911, published in the Gaceta Oficial of 22 May 1911, is hereby re-established, as a department of the Ministry of Agriculture, with all the powers conferred upon it by the said Decree, to be responsible for dealing with all matters relating to fisheries which are within the competence of the Ministry of Agriculture, and with all matters which, under Legislative Decree No. 704 of 28 March 1936, published in the Gaceta Oficial of 31 March 1936, and the regulations made pursuant thereto, were to be within the competence of the “Advisory Commission on Fisheries” (Comisión Consultiva de Pesca).

Note. See also: Legislative Decree No. 1948 of 25 January 1955 relating to territorial sea, article 2 (supra, Chapter I, under Cuba (c)).

1 Text of Decree provided by the Permanent Mission of Cuba to the United Nations. Translation by the Secretariat of the United Nations.
Denmark

(a) Act No. 59 of 23 April 1881 respecting fishing by foreign nationals off the Faroe Islands

Article 1. Any foreign national engaging in any form of fishing off the Faroe Islands within the limits reserved to Danish fishermen shall be punished by a fine of 200 to 5,000 kroner.

Article 2. The same penalty shall apply to any alien fisherman who engages in the processing, packing or trans-shipping of fish or fish products or prepares, baits or lets out long lines in the territorial sea of the Faroe Islands. If any damage is caused in this connexion, compensation shall in addition be payable as generally prescribed by law. This provision may in exceptional circumstances (sea damage and the like) be waived by the National Executive (Landsstyre) of the Faroe Islands. The National Executive may likewise, either in a particular case or by virtue of a Notice, grant a general exemption from this provision if under a reciprocal agreement Faroe fishermen are guaranteed a similar privilege in a foreign State.

Article 3. Whenever a foreign fishing vessel puts into port in the Faroe Islands with a view to establishing contact with the shore, the master of the vessel shall, as soon as possible after his arrival and before allowing the crew of the vessel to enter into any contact with the population, report to the competent police authority or quarantine officer, who shall inspect the ship’s papers and health conditions on board and in general ensure that the Faroe Islands Trade Act is not infringed. If the vessel enters port to seek medical assistance in connexion with a disease that has broken out among the crew, or if there otherwise seems to be anything irregular with regard to health conditions on board, the provisions of the relevant quarantine legislation shall be complied with. A fee of 5 ore per ton of the vessel shall be levied by the competent police authority or quarantine officer for the inspection of the ship’s papers, and the ship’s musterroll shall be endorsed to show that the inspection has been made and the required inspection fee paid. A foreign vessel which puts into port because of stress of weather, without any of the crew going ashore or having any contact with the population, shall not, even though lying at anchor, be required to produce its papers until it can safely put out to sea again. An offence against the provisions of this article shall be punished by a fine of 10 to 500 kroner.

(b) Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands and Iceland outside the Danish territorial sea

General Provisions

Article 1. In the waters adjacent to the Faroe Islands and to Iceland, fishing shall be reserved exclusively to Danish nationals within an area up

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2 As amended by Faroe Islands Act No. 12 of 8 March 1951.
3 Cf. Act No. 90 of 1 April 1925.
4 Cf. Notice and Instructions of 25 February 1897.
to a distance of three nautical miles (kvartmil) measured from the outermost line along which the land is dry at low tide, throughout the extent of the coasts of the islands together with the islets, rocks and shoals appurtenant thereto. In the case of a bay the distance of three nautical miles shall be measured from a straight line drawn across the bay at the point nearest to the entrance where the width does not exceed ten nautical miles. This article shall not prejudice the recognized right of fishing vessels to sail or anchor freely in the territorial sea on condition that they abide by the relevant Danish police regulations, including the regulation requiring a trawler to keep its trawl stowed away on board so long as it is in the territory. A nautical mile (kvartmil) as referred to in the first sentence is a Danish geographical quarter-mile (geografisk kvartmil), of which there are sixty to one degree of latitude.

(c) ORDER No. 160 OF 20 MAY 1955 TO AMEND ORDER No. 29 OF 27 FEBRUARY 1903 RESPECTING THE SUPERVISION OF FISHERIES IN THE SEA SURROUNDING THE FAROE ISLANDS

In accordance with the Exchange of Notes which took place on 22 April 1955 between the Danish Government and the Government of the United Kingdom of Great Britain and Northern Ireland, it is hereby ordered that article 1 of Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands shall be amended as follows in so far as it relates to the area of the sea surrounding the Faroe Islands in which fishing is reserved exclusively to Faroe Islanders and other Danish citizens:

The limits within which Faroe Islanders and other Danish citizens shall enjoy the exclusive right of fishery shall be defined as indicated below; all the arcs mentioned are to be drawn at a radius of three miles from low-water mark of the islands or off-lying rocks (drying); all geographical positions are taken from the Danish chart No. 80, edition of 1905 (corrected to 1953).

North Coast

From the arc centred on the rock close north of Myling along the common tangent to that arc and the arc round Rivtange. From the intersection of this tangent with the common tangent between the arcs round Rivtange and Kadlur, the limit runs along the tangent, thence following the arc off Kadlur, thence along the common tangent to the arc off Kadlur and the arc off the outermost drying rock off Enniberg. Along the arc round Enniberg and the common tangent between this arc and that round Nordberg in Fuglø. Thence along the arc round Nordberg and along the common tangent between that arc and that off the north-east point of Fulgø.

East Coast

Along the arc round the north-east point of Fuglø, to its intersection with the arc round Bispen, thence along that arc and the common tangent

1 Cf. Act No. 90 of 1 April 1925.
to this arc and that round the most easterly point of Svinø. Thence along
the arc round the most easterly point of Svinø and the common tangent
between it and the arc round the south-easterly point of Svinø. Along the
arc round the south-easterly point of Svinø, and the common tangent
between it and the arc round Skoren. From the intersection of this tangent
and the common tangent between the arcs round Skoren and round the
eastern point of Nolsø the limit is formed by this tangent, until its inter-
section with the common tangent between the arc round the eastern point
of Nolsø and the arc round the eastern Fleserne, thence along this common
tangent. Thence along the arc round the eastern Fleserne to its inter-
section with the arc round the Munken rock.

West Coast

Along the arc round the Munken rock and along the common tangent
between this arc and the arc round the south-western islet off Famarasund,
Thence along the latter arc and the common tangent between that arc and
the arc round Bergstange. Thence along the arc round Bergstange and
along the common tangent between that arc and the arc round Kobbetange
to a position 61 degrees 35.0 minutes North, 7 degrees 04.9 minutes West,
which is 247 degrees 3.05 miles from Kobbetange. From this position the
limit follows a straight line to a position 61 degrees 51.5 minutes North,
7 degrees 23.4 minutes West, which is 253 ½ degrees, 13.1 miles from the
northern point of Troldhoved off Sandø. Thence as a straight line to the
position on the arc round the outermost rock off Myggenaes at 62 degrees
03.9 minutes North, 7 degrees 45.95 minutes West, which is 236 degrees
3.3 miles from Myggenaes lighthouse. Then the limit follows the arcs
round the rocks off Holm at the western end of Myggenaes.

North-west Coast

From the arc round the most northerly rock off Holm along the tangent
to this arc which passes through the rock close north of Myling (not the
arc round this rock) to a distance of three miles from the west coast of
Strømø. Thence as a tangent from this position to the arc round the rock
close north of Myling and continuing round that arc to the common tangent
to that arc and the arc round Rivtange.

Attention is drawn further to the chart reproduced as an annex to this
Order on which the new fishery limits are shown.

(d) Faroe Islands Act No. 90 of 1 April 1925 to Prohibit
Trawl Fishing

Article 1. It shall be unlawful to carry on fishing with trawls, including
otter trawls, in the territorial sea adjacent to the Faroe Islands.

1 Farvok Lossamling, 1687-1953, pp. 361 et seq. Translation by the Secretariat
of the United Nations.

2 As amended by Act No. 450 of 22 December 1939 and Interim Provision
No. 61 of 12 December 1941. Cf. Interim Provision No. 36 of 24 November
1942 concerning the right to fish with otter trawls in a specified area and Interim
Provision No. 25 of 25 July 1947 concerning permission to catch lobster with
trawls.
The ship may be seized and, after the levy of a distress, may be sold and the proceeds used to pay fines and defray costs.

Article 2. Fishing vessels with trawls (trawlers) shall keep all their fishing gear stowed away on board when in the territorial sea and for so long as they remain there.¹

(e) Act No. 101 of 27 March 1933 concerning fishing in the waters bordering on Denmark and Sweden²

1. To govern fishing in the waters covered by the Convention concluded on 31 December 1932 between the Kingdoms of Denmark and Sweden concerning fishing in the waters bordering on the two countries, namely:
   - The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to Vinga lighthouse and thence to the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenøre to Gniben and from Gilbjerg Hoved to Kullen lighthouse;
   - The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevn lighthouse to Falsterbo lighthouse to the south, and
   - The Baltic, in respect of waters along the coast from Falsterbo lighthouse to Simrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands,

special regulations may be issued by Royal Decree in conformity with the provisions of the said Convention.

Provisions necessary for the enforcement of the regulations enacted in accordance with the foregoing may likewise be issued by Royal Decree.

2. Provisions regarding the prosecution and punishment of infringements of the regulations contained in decrees issued under this Act may be established by decrees issued in accordance with the rules of Danish law currently in force regarding salt water fishing.

(f) Decree No. 230 of 29 June 1933, concerning fishing in the waters bordering on Denmark and Sweden³

General Provisions

1. The provisions of the present Decree shall apply to the following waters:
   - The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to the Vinga lighthouse and thence to

¹ In a letter of 27 July 1899 (not printed), the Ministry of Justice states that, in accordance with an opinion of the Ministry of Marine, fishing gear may be considered to be effectively stowed away on board as aforesaid only if: (1) the otter boards are in their usual place inboard of the gunwale or are below deck; and (2) the nets are detached from the otter boards and are put away or tied up on board (on or below deck) with the fish, of course, removed.

² Danmarks Lov 1669-1946, p. 1238; translation by the Secretariat of the United Nations.

the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenore to Gniben and from Gilbjerg Hoved to Kullen lighthouse;

The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevns lighthouse to Falsterbo lighthouse to the south; and

The Baltic, in respect of the waters along the coast from Falsterbo lighthouse to Simrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands.

2. (1) In the Kattegat, the fishermen of each country shall be entitled to fish up to a distance of three nautical miles from the coast of the other country or from the most outlying islets and rocks which are not constantly submerged.

As regards bays, the fishermen of both countries shall be entitled to fish up to a distance of three nautical miles from a straight line drawn across the bay in the part nearest the opening where the width is not greater than ten nautical miles. Off Laholm Bay, however, this distance shall be calculated from a straight line drawn from the Tylö lighthouse to Hallands Väderö lighthouse.

(2) In the Sound, fishing may be carried on everywhere by the fishermen of either country, with the restriction that off the coast within a depth of 7 metres, fishermen of the other country may not fish except for herring with nets and in the months of July, August, September and October with lines. Only "Haering" may be used as drift nets for herring fishing.

Beyond the above-mentioned 7-metre limit, fishing of any kind with trawls and seine nets shall be forbidden south of a line drawn from Ellskilde Hage to Lerberget; but bait seine nets (Agwaad) which when stretched their full extent do not measure more than 7.5 metres between the ends of the arms may be used on the Middelgrund. North of the Ellskilde Hage-Lerberget line fishing may be carried on in accordance with the provisions in force in each country by means of trawl nets and turning seine nets (Snurrevaad) up to a distance of three nautical miles from the coast, while Danish fishermen retain the right to fish with turning seine nets on the Danish coast within that limit.

(3) Off the coasts of Bornholm and the Kristiansø group of islands, and off the Swedish coast from Falsterbo lighthouse to Simrishamn lighthouse, fishermen of either country may engage in herring fishing with drift nets from 1 May to 31 August inclusive.

Provisions Concerning the Conduct of Fishing

3. The fishermen of either country shall be permitted, without prejudice to special rights and provided they observe the existing Customs regulations and other similar provisions, to navigate freely and anchor at any point in the waters referred to in the present Decree; ...
Royal Order No. 231 of 29 June 1933 on the Preservation of Plaice in the Skagerak, Kattegat and Sound

General Provisions

The provisions of the present Order shall apply to the following:

Skagerak, bounded on the west by a straight line from Hanstholm light to Lindesnaes light and on the south by a straight line from the most northerly point of the Skaw to Vinga light and thence to the nearest point on the coast of Hisingen;

Kattegat, bounded on the north by the Skagerak and on the south by the straight lines from Hasenøre to Gniben and from Gilbjerg Hoved to Kullen light; and

Sound, bounded on the north by a straight line from Gilbjerg Hoved to Kullen light, and on the south by a straight line from Stevn light to Falsterbo light.

Act No. 109 of 15 March 1939 on Whaling

Article 1. The right to engage in whaling in Danish territorial waters or to bring the product of whaling, even though the catch was taken outside Danish territorial waters, to Denmark and the right to process the product of whaling shall be reserved exclusively to persons who are Danish nationals and have not become nationals of a foreign State or who have been resident in Denmark for not less than five years and to joint-stock companies having their seat in Denmark not less than one half of the share capital of which is owned by the board of directors which is composed of such persons.

Article 2. Whaling, transport and processing as referred to in Article 1 shall not be engaged in except under a licence issued by the Minister of Agriculture and Fisheries, and only such vessels of Danish registry as have been approved for whaling by the Minister aforesaid may be used for any such purpose.

Article 3. Every individual and joint-stock company engaged in an activity referred to in Article 1 shall submit to the Ministry of Agriculture and Fisheries before 1 May of each year written evidence duly certified by the said individual or the directors of the said company that the requirements set forth in Articles 1 and 2 have been complied with.

Act No. 277 of 27 May 1950 Respecting the Conduct of Business in Greenland

Chapter I

Trapping, Fishing and Hunting

Article 1. The territorial sea of Greenland shall comprise:

The waters within a line drawn seaward of islands, islets, rocks and reefs (rock formations) at a distance of three nautical miles (somil) from the

outermost line along which the land is dry at low tide; provided that in bays and inlets the distance of three nautical miles shall be measured from a straight line drawn across the bay or inlet at the place nearest to the entrance where the width does not exceed ten nautical miles.

The term “inner waters of Greenland” means:

Harbours, harbour entrances, roadsteads, bays, inlets, rivers and lakes, together with the waters between and within islands, islets, rocks and reefs (rock formations) which are not permanently covered by the sea.

Article 2. (1) Except as provided in article 21, the right to carry on commercial trapping, fishing and hunting in the land domain and territorial sea of Greenland shall be reserved to Danish nationals domiciled in Greenland and to such other Danish nationals as may be specially authorized by the Minister of State.

(2) The Minister of State may prescribe the conditions on which such authorization may be granted, and the conditions may include regulations governing the sale of the catch and the manning of the relevant vessels.

Article 3. Any vessel equipped for trapping, fishing or hunting which enters the territorial sea without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

Article 4. (1) If there is reason to believe that a vessel is committing or has committed an offence against the foregoing provisions, it may, within the limit of the territorial sea — or even outside that limit in the case of uninterrupted pursuit — be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities.

(2) A vessel detained by reason of an offence against this Act shall remain in custody, with all its gear, until the case is disposed of, unless the necessary security as prescribed by the court is furnished. If necessary to meet fines and costs, the vessel may be sold or confiscated.

Article 5. (1) An offence against the provisions of article 2 or 3 shall be punished by a fine, and, in addition, the yield of the unlawful trapping, fishing or hunting shall, and all trapping, fishing and hunting gear may, be confiscated.

(2) If an offence is repeated or there are other aggravating circumstances, not only all the trapping, fishing and hunting gear but also the entire catch, whether on board or elsewhere, may be confiscated, and where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

Chapter II

Exports from Greenland

Article 9. For the purposes of this Act the term “export activity” means any activity by which raw materials originating in or imported into the land domain or territorial sea of Greenland are utilized or processed in the land domain or territorial sea of Greenland with a view to their sale outside Greenland.
(j) Act No. 500 of 19 December 1951 respecting marine fishing

CHAPTER I.

General Provisions

Applicable, save as limited or amplified by regulations relating to specific areas, to all marine fishing in the Danish territorial sea.

Article 1. (1) Subject to the limitations laid down in this Act, and except as otherwise prohibited by law, every person who is a Danish national or has been domiciled in Denmark for two years may carry on fishing anywhere in the Danish territorial sea except where special fishing rights have been granted.

(4) Save as provided by international agreement, it shall otherwise be unlawful to engage in fishing or to trans-ship a catch of fish in Danish territorial waters even in association with Danish nationals.

(5) The Minister of Fisheries may dispense with the foregoing provisions if in his opinion such action would promote the development of fishing.

(6) Regulations may be made by Royal Order to prescribe the manner in which foreign fishing vessels sailing or anchoring in the Danish territorial sea shall conduct themselves.

Article 12 .

(6) Except as specifically prohibited by law or regulation (cf., however, article 13, paragraphs (7) and (8)), Danish seine fishing—that is to say, fishing with nets without any arrangement for stretching (by means of otter boards, beams and the like) which when in use are hauled in to one vessel or to land and are unweighted on the lines and not weighted with more than twenty kilogrammes on the net—may be carried on anywhere in the territorial sea. The provision relating to weighting shall not apply to nets intended exclusively for eel-fishing.

Article 16. (1) Unless specifically authorized, fishing shall not be carried on at a distance, at normal daily high tide, of less than 300 metres from the point where a natural or artificial outlet or mouth of a river, stream or lake meets the sea or an inlet if the river, stream or lake is not less than two metres wide at the said outlet or mouth. An unobstructed passage to the conservation zone shall be available at all times through an area measuring not less than 200 metres in width and not less than 100 metres in length running in a direct line from the outlet or mouth of the watercourse or lake. The foregoing provisions shall apply both to the outlet or mouth of a watercourse that discharges into a lake and to the outlet or mouth of a lake that discharges into an inlet or the sea. In the months of August, September, October and November the present provisions shall not, however, apply to traps designed to catch silver eels and placed so that their mouths and intercepting arms are directed against the current. In the case of lakes, the

Minister of Fisheries may, after consultation with the principal fishery organizations and the Danish biological station, designate likewise within the relevant mouth or outlet such conservation zone as he deems appropriate.

(2) During a period beginning two months before and continuing to the end of the close season for coloured salmon and sea trout, the provisions of paragraph (1) shall also apply to the outlet of a watercourse discharging into the sea, an inlet or a lake and to the outlet or mouth of a lake even if the width at the said outlet or mouth is less than two metres.

(4) In case of doubt the Minister of Fisheries shall decide what point shall be considered to be the outlet or mouth of a watercourse or lake at normal daily high tide. The Minister of Fisheries, after consultation with the principal fishery organizations and the Danish biological station, may, if in his opinion the circumstances make it desirable to do so, designate a conservation zone larger or smaller than aforesaid, prescribe in respect of the protected area of passage a direction and length other than the aforesaid, and otherwise specify the limits of the said area.

(6) The Minister of Fisheries may, after consultation with the principal fishery organizations and the Danish biological station, designate in and about the mouth of an inlet, a conservation zone within which fishing gear may not be used. A conservation zone may be designated both inside and outside the mouth. In the case of Ringkøbing and Nissum inlets, there shall, when the mouth is unobstructed, be such a conservation zone for a distance of 750 metres outside the mouth. Nevertheless, during the period from 1 August to 30 September, shoals of mackerel appearing off the said inlets may be caught in the protected area on condition that, when such fishing is begun, notice thereof is given forthwith to the fishery control authorities and all fish other than mackerel which are caught with the gear employed are not landed but are returned to the sea without delay and so far as possible in a condition that will ensure survival.

Article 21. The Government may conclude with other States agreements valid both outside and inside the Danish territorial sea for the purpose of prescribing minimum sizes and close seasons for fish, crustaceans and the like and regulating the arrangement and use of specific types of gear in respect of the area to which an agreement relates. Regulations giving effect to such agreements shall be made by Royal Order.

CHAPTER II

Provisions Concerning By-laws

Article 27. (1) By-laws to regulate fishing anywhere in the territorial sea (cf. article 28) with the exception of Limfjorden inlet may be made if the majority of local fishermen entitled to vote (cf. paragraph (2)) so desire and the Minister of Fisheries considers that natural conditions and the extent and character of the relevant waters make such regulation appropriate. The Minister of Fisheries shall specify the limits of each area made subject to such by-laws.
NOTICE No. 292 of 11 November 1953 respecting commercial trapping, fishing and hunting in Greenland and exports from Greenland

Trapping, Fishing and Hunting

Article 1. For the purposes of this Notice, the term "Greenland waters" means:

(1) Inner waters of Greenland which, in addition to harbours, harbour entrances, road-steads, inlets, rivers, lakes and bays, comprise the waters between and within islands, islets, rocks and reefs (rock formations) which are not permanently covered by the sea, and

(2) The territorial sea, i.e. the waters within a line drawn seaward of islands, islets, rocks and reefs (rock formations) at a distance of three nautical miles (somil) from the outermost line along which the land is dry at low tide; provided that in bays and inlets the distance of three nautical miles shall be measured from a straight line drawn across the bay or inlet at the place nearest to the entrance where the width does not exceed ten nautical miles.

Article 2. Trawling — which shall not include the use of seines or trawls for catching shrimps, herring and mallotus villosus — shall be prohibited in Greenland waters.

The term "trawling" means fishing with some kind of seine attached to a boat or vessel driven by any kind of power whatever.

Article 3. Except as provided in article 16, the right to carry on trapping, fishing and hunting in the land domain and territorial sea of Greenland and to process the catch in Greenland waters or in the land domain of Greenland shall be reserved to Danish nationals domiciled in Greenland and to such other Danish nationals as may be specially authorized by the Minister of State.

Only ships sailing under the Danish flag may be used in carrying on trapping, fishing and hunting.

Article 4. Except as provided in article 16, the right to trans-ship a catch of fish in Greenland waters or to store such fish on land shall be reserved to Danish nationals domiciled in Greenland and to other persons specially authorized by the Minister of State.

Such authorization may not be granted to foreign vessels engaged in trawling.

Persons to whom an authorization is granted as provided in the first paragraph shall be required to contribute to the Greenland economic equalization fund (cf. article 14, third paragraph) in respect of fish not disposed of through the Greenland marketing organization (cf. article 7, first paragraph). The amount of the contributions shall be determined by the Minister of State. The said Minister may, if necessary, require security for the payment of the contribution.

Article 5. Any vessel equipped for trapping, fishing or hunting which enters the territorial sea without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

Article 8. If there is reason to believe that a vessel has committed an
offence against the provisions of articles 2-5 or has disregarded a condition
prescribed by article 7, it may, even outside the territorial sea in the case of
uninterrupted pursuit, be overtaken, boarded and, where appropriate,
detained by patrol ships of the Danish Navy or by the local authorities.
If the vessel is detained, it shall, if requested to do so, accompany the patrol
ship or local authorities to the nearest port.

Article 9. An offence against the provisions of articles 2-5 or the non-
observance of a condition prescribed by article 7 shall be punished by a
fine, and, in addition, the yield of the unlawful activities shall be confiscated.
According to the circumstances, all trapping, fishing and hunting gear may
also be confiscated. If an offence is repeated or there are other aggravating
circumstances, the entire catch, whether on board or elsewhere, may like-
wise be confiscated. Where there are especially aggravating circumstances,
the vessel to which the offender belongs may in addition be confiscated.

Dominican Republic

FISHERIES ACT No. 1518 OF 18 JUNE 1938,¹ AS AMENDED ²

Article 1. This Act shall apply to fishing, which term means any act
done in territorial waters with intent to obtain examples of biological species
or elements whose natural habitat is water.

Article 6. A fishing permit, to be issued by the Ministry of Agriculture,
Industry and Labour on application and valid for one year, must be ob-
tained before any act of fishing is done otherwise than for home consumption.

Article 9. The fishing permits referred to in this Act shall not be subject
to any tax or revenue duty, nor shall any municipal tax or fee be charged
in respect thereof.

Article 14. The Executive Power shall establish —
(a) Open and closed seasons for fishing;
(b) Fishing methods, gear and equipment, indicating those prohibited
as unduly destructive to fish;
(c) Areas reserved for special breeding or for operations calling for
official protection; and
(d) Sanctuaries and public fishing areas.

¹ Gaceta Oficial, Ano LIX, No. 5187, 29 de Junio de 1938, pp. 3 et seq. Translation by the Secretariat of the United Nations.
² By Act No. 1262 of 13 October 1946. The text of this Act was provided by the Secretariat of State for External Relations of the Dominican Republic.
Translation by the Secretariat of the United Nations.
WHEREAS:
I. The Civil Code contains the following legal provisions:
   Article 596. Hunting and fishing are occupations whereby possession is obtained of wild animals.
   Article 597. Wild or savage animals are those which normally live free and independent of man, such as wild beasts and fish.
   Article 600. Fishing in the sea is free, but only Ecuadorian nationals and aliens domiciled in Ecuador may fish in Ecuadorian territorial waters. Fishing is also free in rivers and lakes open to the public.

The following Regulations governing Sea Fishing are hereby enacted:

PART ONE

Chapter I. Rules governing fishing

Article 1. The present Regulations establish:

Limits and rules for sea fishing
1. The limits for the observance of the rules relating to sea fishing, and those relating to river or lake fishing in cases where fresh water is in communication with salt water.
2. The rules for the preservation of species of fish and marine fauna in general, in so far as concerns the places, seasons, methods, and equipment for fishing, the trade in fish and the control of the waters.
3. The distance from the shore over which the fishing regulations, particularly those regarding the preservation of species, shall be applied.
4. The distances and rules applicable to fishing in general, or special types of fishing in estuaries, tunny fishing grounds, hatcheries for fish or other aquatic animals.
5. The provisions and police regulations necessary to guarantee the maintenance of order and the security of persons and property in the exercise of fishing.

Provision concerning fishing in private waters

Article 2. The Regulations also establish provisions governing fishing in waters immediately communicating with privately owned waters or those forming part of the public domain or the territorial sea.

Chapter II. Fishing

Places where fishing is permitted

Article 5. Fishing is permitted in the following places: the high seas, the territorial sea, rivers, lakes, seashores and river banks.

Chapter III. Fishermen

Concessions of the seashore or parts of the sea which may be granted by the President of the Republic

Article 9. The President of the Republic may grant concessions, by contract, for sections of the seashore or parts of the sea, for periods up to 20 years, for the sole purpose of the setting up of fishing operations and related industries, or the breeding of fish or shell-fish, in the conditions and subject to the requirements laid down in the relevant Regulations. Such contracts shall be issued through the Ministry of War, Marine and Air, subject to a report from the Directorate-General of Fishing and Hunting, forwarded through the Ministry of Public Works.

Concessionaires of sections of the seashore or of the sea shall retain such areas always open to passage and shall comply with the Maritime Police Regulations.

Concessions to foreigners or foreign undertakings

Article 10. If a foreigner or a foreign company or undertaking applies for a concession for hunting and fishing, in addition to the requirement that they must be domiciled in Ecuador, subject to article 600 of the Civil Code, and must comply with the provisions of the Foreign Company Act, in accordance with Article 151, No. 14, sub-paragraph 9 of the Constitution which provides that such concessions may only be operated subject to the restrictions prescribed by law and those stipulated in each case in the respective contracts, such concessions shall only be granted on the basis of contracts entered into with the Government ad referendum and subject, in any case, to the approval of Congress; in addition such contracts and concessions shall be of no effect and may not be applied in any particular, until the appropriate public document has been issued after the said legislative approval.

In addition, hunting and fishing in the Galápagos (Colón) Archipelago shall be subject to the special laws, decrees, agreements and decisions issued or to be issued by Congress.

Concessions which may be granted by the Minister of Marine

Article 32. The Minister of Marine may grant concessions, for periods not exceeding ten years, in respect of sections of shore under Customs control or of the territorial sea, to persons wishing to undertake the breeding of fish or other aquatic animals or the cultivation of molluscs, coral or sponges. Such concessions shall be subject to the conditions necessitated by the general interest or to ensure the effective security and continued operation of the undertakings.

PART TWO

Chapter I. Regulations

Freedom for the pursuit of fishing

Article 33. Fishing in Ecuadorian territorial waters is free to all Ecuadorian citizens and to foreigners domiciled in Ecuador, subject only to the
restrictions imposed by the present Regulations, in accordance with article 600 of the Civil Code.

Fishing by foreign vessels

Article 34. As regards foreign vessels, account shall be taken of the provisions of special treaties and conventions, but they must in any case conform to the national laws.

Article 35. National vessels engaged in fishing, and their crews, are subject to the regulations in force.

Rights and restrictions applicable to persons fishing from the shore

Article 36. Persons using gear which may be employed from the shores and beaches and for which vessels are not required shall enjoy the same freedom to fish and shall be subject to similar conditions.

Prohibition of the use of drag-nets

Article 41. In general drag-nets are prohibited in the following cases:
(a) When towed by vessels at distances of less than 15 miles from the coastline, measured from low water mark.
(b) If cast beyond the ancient marking posts known in each locality, for one end must always touch land.

Permit required for fishing with gear towed by vessels

Article 42. For fishing with gear towed by vessels in the waters of the Republic, a written permit is always required, indicating the names of the vessels, the fact that permission has been granted, the restrictions imposed and the duration of the permit.

Suspension of the free right to fish

Article 48. Port Captains may limit or suspend the free right to fish in certain localities as a precaution against the danger of attack upon fishermen or the danger of fishing being engaged in as a pretext for other unlawful pursuits.

PART THREE. HUNTING OR FISHING IN THE GALÁPAGOS (COLÓN) ARCHIPELAGO

Reserves or national parks

Article 74. The islands of the Galápagos (Colón) Archipelago enumerated in this article may be declared "RESERVES" or "NATIONAL PARKS", for an unlimited period, for all types of birds, reptiles, freshwater tortoises (galápagos), marine tortoises (lagartos) or other species of animal life. These reserves or national parks may be declared inviolable sanctuaries for all types of animal life, whether resident or migratory.

The islands or island areas referred to are the following: Espanolo (Hood) Island, Sán Salvador (James) Island, Pinzón, (Duncan), Santa Fé (Barrington), Rábida (Jervis), Seymour, Daphne, Towe, Marchena (Bindroo), Pinta (Abingdon), Wennman and Culpepper Islands and part of the Isabela (Albemarle) Island, from Point Albemarle to two miles beyond Tagus Cove (Anchón de Tagus), including a zone extending one mile inland from low water mark.
Restrictions relating to fishing in the Archipelago

Article 75. Fishing in the Archipelago is free to all inhabitants of the Archipelago, subject always to the general prohibitions established in these Regulations concerning fishing in closed seasons, or with explosives or poisonous substances (barbasco etc.) or with any gear harmful to breeding. The closed season for the Galápagos (Colón) Archipelago is from the end of December to the end of March.

Fishing in territorial waters by foreign vessels

Article 77. Fishing by foreign vessels within the territorial waters and the adjacent free waters within the boundary of the Archipelago is prohibited in accordance with these Regulations.

Territorial waters

Article 78. For fishing purposes, territorial waters are considered to be those within an area of 15 miles, measured from low water mark at the most salient points of the islands.

Cases in which the Authority may authorize fishing in the Archipelago

Article 79. The competent Authority may authorize fishing in the Galápagos (Colón) Archipelago in the following cases:

(a) By foreign vessels to which the Government has granted permission to visit the Archipelago, either for scientific or sporting purposes, or for those mentioned in the present Regulations

(b) After the fish have been caught, provided that the vessel presents evidence of having exhausted its food supply and provided that the authorities duly confirm the fact by an inspection of the vessel's stores

Fishing licence for foreign vessels

Article 85. In order to engage in sea fishing, including game fishing, in the Galápagos (Colón) Archipelago, vessels of foreign flag require a special permit, issued by the Port Captaincy of Guayaquil.

Legislation to which vessels of foreign flag fishing in Ecuadorian territorial waters shall be subject

Article 89. Every vessel of foreign flag wishing to fish in Ecuadorian territorial waters and adjacent waters is subject to all Ecuadorian legislation and, in addition, to the obligation to observe, in particular the port, customs and health laws.

Chapter III. Fishermen

Right to fish in territorial waters

Article 126. The right to fish in Ecuadorian territorial waters is reserved to Ecuadorian nationals, except in the case of concessions granted to foreign undertakings by special contract as a reciprocal measure for those granted to Ecuadorians, or in the case of foreign fishermen contracted to instruct Ecuadorian nationals in modern fishing methods unknown in Ecuador.
Fishing in free seas

Article 129. In general, fishing is free throughout the year, whether for fish, molluscs or crustaceans, with any kind of gear, provided it is carried on outside territorial waters, at a distance of over six miles from the coast, measured from low-water mark, subject to the provision against the fishing in the closed season indicated in the present Regulations.

Fishing in territorial waters

Article 130. Fishing in territorial waters, on the other hand, is subject to the provisions contained in the present Regulations.

Prohibition against the use of poisons which stun fish

Article 151. The use of vegetable substances for the purpose of stunning and capturing fish is strictly prohibited.

PART V

Article 162. The use of drag-nets is permitted only by vessels fishing outside territorial and policed waters, namely, those within a distance of 15 miles from low water mark.

Mollusc breeding grounds

Article 163. For the purpose of installing and operating mollusc breeding grounds, the President of the Republic may lease, for periods not exceeding ten years, the seashores or parts of the sea up to an area of four hectares per person.

Leases not to exclude freedom of passage

Article 164. The lease of such areas shall on no account prevent freedom of passage through the leased areas of sea or shore.

Chapter V

Mother-of-pearl fishing

Article 235. Those engaging in mother-of-pearl fishing in Ecuadorian waters must be Ecuadorian citizens or undertakings.

(b) Fishing Regulations enacted by Presidential Decree No. 80 of 2 February 1938, as amended by Decrees No. 208 of 7 March 1938 and 471 of 13 June 1938

Article 1. The access or entry of any fishing vessel of foreign nationality to the territorial sea of the Galápagos (Colón) Archipelago or other territorial waters under Ecuadorian jurisdiction and sovereignty shall not be permissible except by virtue of a fishing permit to be granted by the Government of the Republic of Ecuador in accordance with the procedure laid down in these Regulations.

1 Ibid., I, No. 90. 11 February 1938, p. 2754. Translation by the Secretariat of the United Nations.
Article 3. The authority competent to issue the prescribed licences or permits for fishing in the territorial sea of Ecuador (other than licences or permits granted as part of contracts entered into with the Ecuadorian Government) shall be that of the three consulates named hereunder in whose jurisdiction the applicant's vessel is registered:

The Consulate-General at the City of Panama
The Consulate-General at San Francisco, California
The Consulate-General at San Diego or Los Angeles, California,
the issue of the licence or permit being conditional on the payment of the fees prescribed in the relevant legislation and subject to the provisions of these Regulations.

Article 4. If a foreign fishing vessel proposes to engage in commercial fishing in Ecuadorian waters it shall first be required to register with the Ecuadorian consulate competent for its port of registry, a fee of fifty United States dollars ($50) (gold) being payable annually in respect of such registration.

Article 12. A vessel must not engage in fishing in the Galápagos (Colón) Archipelago or Ecuadorian territorial waters before its licence has been produced for stamping to the Governor at Port Baquerizo Moreno, San Cristóbal Island, together with the following documents:

(a) Health certificate;
(b) List of crew;
(c) Certificate of annual registry.

The first two of these documents shall be legalized by the Ecuadorian consul competent for the port from which the vessel first set out.

Article 14. If the commandant of the Coast Guard discovers a foreign vessel which engages in fishing in the Galápagos (Colón) Archipelago or other Ecuadorian territorial waters without first having had its licence stamped by the Governor or by the competent port authority, he shall proceed as indicated in article 12 of these Regulations and shall levy a fine of one hundred dollars ($100) upon the captain of the vessel for infringement of the said article 12.

Article 19. If the Ecuadorian Coast Guard discovers a vessel of foreign nationality which engages in clandestine fishing in Ecuadorian territorial waters and is not in possession of the certificate of annual registration or of the prescribed fishing licence, that vessel shall be fined by the Minister of National Defence an amount equivalent to four times the fees prescribed in articles 6 and 7 of these Regulations. For this purpose, the vessel shall be seized and subsequently released according to the procedure indicated in the preceding article.

Article 22. The registration of a fishing vessel at an Ecuadorian consulate for the purpose of fishing in Ecuadorian waters shall carry with it the obligation to declare to the consulate which granted the licence the tonnage of the catch taken during each voyage, such declaration to be made on the form issued by the Department of Hunting and Fisheries of the State having jurisdiction in the vessel's port of registry.
Article 23. Failure to produce the aforesaid declaration for verification by the Ecuadorian consul shall disqualify the person concerned for the receipt of another consular fishing licence.

Article 24. It is unlawful for the Governor of the Galápagos (Colón) Archipelago in all circumstances to issue fishing permits or to receive payment in respect of such permits. Any official who violates this provision shall be dismissed and required to pay a sum equal to twice the fee for the prescribed consular licence.

If a fishing vessel, while on the high seas, fails to find fish in other territorial waters and proposes to fish in the waters of the Galápagos (Colón) Archipelago, it may apply by radio to the competent consulate for a fishing permit; the Ecuadorian consulate shall be authorized to grant such permit upon payment of the prescribed fee. Fishing operations must not commence before the said permit has been obtained.

Article 26. For the purpose of fishing in Ecuadorian waters other than those of the Galápagos (Colón) Archipelago, vessels must report to the port authority of the nearest Ecuadorian port and satisfy formalities analogous to those laid down in these Regulations with respect to the Governor of the Archipelago.

The port authority of the Ecuadorian port at which the foreign vessel arrives has the same obligations and duties as those prescribed by these Regulations for the Governor of the Galápagos (Colón) Archipelago.

Title II

Fishing in Ecuadorian waters by Ecuadorian vessels

Article 27. Ecuadorian nationals and aliens who are domiciled in Ecuador shall be free to fish in the territorial sea of Ecuador, subject to the restrictions laid down in the Regulations concerning fisheries and maritime hunting contained in Decree No. 607 of 29 August 1934 and to the provisions concerning Ecuadorian vessels contained in the present Decree.

Article 28. Vessels flying the Ecuadorian flag and of not more than five (5) register tons may fish freely in the territorial sea of the Republic, subject only to such conditions as are laid down in the preceding article or are contained in the Maritime Police Regulations and in Decree No. 518 of 12 July 1937 concerning the tax of one sucre per quintal of grouper (bacalao) or salt transported from Galápagos (Colón) Archipelago to the Ecuadorian mainland.

Article 29. Ecuadorian vessels of more than five (5) register tons may fish in the territorial sea of the Republic, but must carry, in addition to all the required shipping papers, a fishing licence issued by the port authority or by the Governor, as the case may be.

Title III

General Provisions

Article 38. The captain or master of a vessel which is anchored or navigating in the territorial sea of Ecuador for the purpose of fishing must obey any radio, flag or light signal, recognized by the International Signal
Code in force, that is made by the commanding officer of any Ecuadorian vessel, and if the latter sends on board an officer from his ship, the said captain or master must produce such documents as the officer may request.

This provision shall not apply to warships of friendly countries if advance notice of their visit to Ecuadorian waters was given.

Article 39. It shall be unlawful for privately-owned vessels to use any private code whatsoever for the purpose of communications within the territorial sea of the Republic.

Article 40. The use of nets for tuna fishing is strictly prohibited. A fishing vessel equipped with nets shall not qualify for registration with an Ecuadorian consulate or for the issue of a licence to proceed to Galápagos for the purpose of fishing.

Article 41. All decrees and provisions inconsistent with these Regulations are hereby repealed.

(c) Decree No. 138 (Tunny Fishing Regulations) of 21 February 1940, as amended by Decree No. 272 of 3 May 1940 and Decree No. 329 of 12 June 1940

PART I

Fishing in Ecuadorian waters by foreign vessels

Article 1. No foreign vessel engaged in any type of fishing shall have access or entry to the territorial sea of the Galápagos (Colón) Archipelago or other territorial seas under Ecuadorian jurisdiction, unless carrying an official fishing licence granted by the Government of Ecuador in accordance with the procedure laid down in the present Regulations.

Article 2. For fishing purposes in general, the territorial sea of the Republic shall be deemed to include the sea within fifteen miles, measured from low water mark at the most salient points of the outermost islands which form the contour of the Galápagos (Colón) Archipelago and the sea within fifteen miles measured from low water mark at the most salient points of our coast and the adjacent islands.

Article 3. Fishing registration certificates and licences are obtainable solely from the Permanent Consulate of Ecuador within the jurisdiction of which the applicant vessels were registered or licensed.

Article 4. Any foreign vessel wishing to engage in commercial fishing in Ecuadorian waters must previously register at the appropriate Ecuadorian Permanent Consulate in accordance with the provisions of this Article, paying, in respect of registration, the duties indicated in the present Regulations.

Article 11. Should a fishing vessel on the high seas wish to fish in Ecuadorian territorial waters, either off the Galápagos (Colón) Archipelago or the mainland, it may apply by radio for a licence to the appropriate Consulate...
late, which is empowered to grant the licence, upon payment of all the fees and subject to all the provisions in force, provided that the application is made before fishing is begun.

**Article 12.** In order to be entitled to fish, every vessel must present to the Chief Territorial Authority of the Galápagos (Colón) Archipelago, for each voyage, in addition to the appropriate registration certificate and official fishing licence, its health certificate and the list of its crew, duly attested by the Consul issuing the licence. When a licence is issued by radio, the documents need not be attested.

The licence shall be valid from the time of issue but it must be stamped by the Galápagos (Colón) Chief Territorial Authority before the ship leaves Ecuadorian territorial waters.

**Article 13.** Each of the following acts or omissions shall be considered an offence against the laws governing contraband and shall be subject to the penalties indicated by these laws for each case:

(a) Entry into Ecuadorian territorial waters without possessing or carrying the official registration certificate and licence, issued in writing or by radio by the competent Ecuadorian consular official, or engaging in fishing without possessing those documents;

(b) Engaging in fishing with an expired licence or an illegal licence issued by an official not authorized by the present Regulations to do so; or with a licence involving an omission or deliberate infringement of any of the provisions of the present Regulations.

**Article 17.** A vessel arriving in Ecuadorian territorial waters shall report its presence by radio to the Chief Territorial Authority, indicating whether it intends to obtain the required visa immediately or to engage in fishing first, and at the same time shall request instructions concerning the daily radio call sign from the Chief Territorial Authority.

Upon completion of their fishing in Ecuadorian territorial waters, fishing vessels must notify the Chief Territorial Authority of the Archipelago, by radio, of their departure from Ecuadorian waters.

**Article 26.** For fishing in the territorial waters of the Ecuadorian mainland, fishing vessels must communicate with the captain of the nearest Ecuadorian port in order to comply with all the requirements laid down in the present Regulations concerning relations with the Chief Territorial Authority of the Galápagos (Colón) Archipelago.

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**PART II**

*Fishing in Ecuadorian waters by Ecuadorian national vessels*

**Article 27.** Fishing in the territorial waters of Ecuador is free to all Ecuadoreans and to foreigners domiciled in Ecuador, subject to all the restrictions established by the Regulations concerning Maritime Fishing and Game-Fishing contained in Decree No. 607 of 29 August 1934 and the
provisions governing Ecuadorian vessels contained in the present Regulations.

Article 28. Any vessel of not more than five registered tons, flying the Ecuadorian flag, may fish freely in the territorial waters of the Republic, subject only to such conditions as are laid down in the preceding Article and as are contained in the Maritime Police Regulations and in Decree No. 518 of 12 July 1937 concerning the tax of one sucre per quintal of codfish (bacalao) or salt transported from the Galápagos (Colón) Archipelago to the Ecuadorian mainland.

Article 29. Any Ecuadorian vessel of over five registered tons may fish in the territorial waters of the Republic, but must carry, in addition to the necessary navigation papers, the fishing licence issued by the Port Captain or the Chief Territorial Authority.

PART III

General

Article 38. The captain or commander of any vessel anchored or sailing in Ecuadorian territorial waters for fishing purposes must obey any signal, by radio, semaphore or any other system included in the International Signals Code in force, given by the commander of any Ecuadorian vessel, and if the latter sends on board an officer from his ship, the captain or skipper of the fishing vessel must produce for the latter's inspection any documents he may require.

Warships of friendly countries which have given prior notice of their visit to Ecuadorian waters are exempted from the foregoing provision.

Article 39. The use by privately owned vessels of private codes of any kind for communications within the territorial waters of the Republic is prohibited.

The use of nets for tunny fishing is strictly prohibited. No fishing vessel equipped with a net, generally called a purse-seiner, may be registered at Ecuadorian Consulates nor obtain therefrom a licence to proceed to Ecuadorian territorial waters for the purpose of fishing.

Article 42. All Acts and provisions contrary to these Regulations are hereby abrogated.

(d) Décret présidentiel du 22 février 1951 sanctionnant la loi sur la pêche et la chasse maritime

La pêche et sa classification. Activités connexes

Article 1er. L'État exerce sa souveraineté sur les eaux territoriales (des mers insulaires et continentales, des lacs, des lagunes et des réseaux fluviaux) et sur toutes les ressources qui s'y trouvent.

Article 2. Aux fins de la pêche et de la chasse maritime en général seront considérées comme mer territoriale de la République:
  La zone actuellement comprise à l'intérieur de la limite de douze milles marins, mesurés, à la plus basse mer, des points les plus avancés des îles extrêmes du groupe de Galápagos;
  La zone comprise à l'intérieur de la limite de douze milles marins, mesurés, à la plus basse mer, à partir des caps les plus avancés de la côte équatorienne et des îles adjacentes, sans préjudice d'éventuelles modifications qui viendraient à être apportées à ce qu'il faut entendre par mer territoriale de la République.

Article 3. La pêche comprend toutes les activités destinées à capturer, acquérir, conserver et utiliser des éléments biologiques vivant normalement dans l'eau, c'est-à-dire, d'une manière générale, l'exploitation de ces éléments ainsi que toutes autres activités connexes.

Article 4. Selon l'endroit où elle se pratique, la pêche est qualifiée de: maritime, fluviale ou lacustre ...

Article 6. L'exercice de la pêche pourra s'effectuer à condition de ne générer, en aucune façon, la navigation, le cours naturel des eaux ou l'utilisation des eaux ayant fait l'objet de concessions; il ne devra pas non plus léser les droits légitimement acquis par d'autres pêcheurs ou affecter les mesures publiques de sécurité, de santé ou de police.

Article 7. La pêche dans les eaux territoriales équatoriales est libre pour les ressortissants équatoriens et pour les étrangers domiciliés dans la République de l'Équateur, sous réserve toutefois que son produit soit destiné à recevoir un traitement industriel dans le pays ou à servir à la consommation intérieure. Quand elle s'effectue avec des bateaux, ceux-ci doivent être de nationalité équatorienne et doivent se conformer aux lois et règlements en vigueur pour tous actes relatifs à la pêche.

(e) Decree No. 0160 of 29 January 1952 concerning fishing

(f) Decree No. 1376 of 15 July 1952 concerning fishing
shall not apply or extend to foreign-flag vessels which are owned by or under lease, charter or other similar contract to individuals, firms, companies, undertakings or other bodies corporate that are parties to valid maritime fishing or hunting contracts with, or have received concessions from, the Government of Ecuador in conformity with enactments in force at the time when such contracts or concessions were made or awarded.

It shall be a condition of the foregoing exception that the whole of the catch must be used to satisfy the needs of the home market or that the surplus remaining after the satisfaction of the home market must be exported wholly under the supervision and surveillance of the Ecuadorian authorities, and that all fiscal liabilities must be discharged.

An undertaking or individual as described above shall be strictly answerable for the operations of a vessel of foreign nationality that is in its or his service.

(g) **Decree No. 950-D of 6 August 1953 concerning fishing**

   **Article 1.** It shall be unlawful for any vessel of foreign nationality to fish for the species known as grouper (*Cabrilla* or *Bacalao*) in Ecuadorian insular waters, such fishing being reserved to individuals, or bodies corporate, of Ecuadorian nationality.

   **Article 2.** Commercial dealings in, and the transport of, grouper taken in territorial waters of the mainland or insular territories of the Republic shall not be carried on except for the purpose of satisfying the needs of the home market; consequently, no person or undertaking, whether of Ecuadorian or foreign nationality, may engage in gainful transactions of any kind involving the yield from the said species, which shall in its entirety be used for the country's food supply.

   **Article 3.** In conformity with the provisions of the foregoing article, the Minister of Economic Affairs, if satisfied that the stocks of grouper are adequate for the needs of domestic consumption and for a reasonable reserve necessary to supply a permanent market in the Republic, shall be empowered, if such action is reconcilable with the size of the catch, to authorize the export of a specific quantity of frozen or dried and salted grouper, subject to licence.

(h) **Decree No. 995-A on 29 April 1955 concerning fishing**

   **Article 2.** The permission granted to vessels of foreign nationality in the foregoing article shall [not apply to] a zone extending 1,000 metres seaward along the coast of the mainland and its adjacent islands from the Colombian border to the town of Las Playas, at which point the restricted

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2 Article 1 of this decree has been replaced by Decree No. 1085 of 14 May 1955 (see below).
zone follows a straight line to the Island of Santa Clara or El Muerto and thence another straight line to Boca Capones at the Peruvian border.

Article 3. It shall be unlawful for Ecuadorian vessels to engage in bait-fishing (pesca de carnada) in a zone extending 1,000 metres along the coastline beyond each extremity, of a coastal town or village and 1,000 metres seaward from the shore. This prohibition shall not apply to the local fishermen.

(i) Decree No. 1085 of 14 May 1955 concerning fishing

Article 1. The following text replaces the text of article 1 of the Decree referred to [Decree No. 995-A of 29 April 1955]:

"Vessels of foreign nationality possessing the permits and licences required by existing enactments and regulations may engage in commercial fishing for marine species, except grouper (cabrilla or bacalao), prawns (langostinos) and lobsters (langostas), in the territorial waters of the mainland and insular territories of Ecuador, in the zone comprised within the limit of 200 nautical miles measured from the low water mark and following the configuration of the mainland and its adjacent islands, and in the zone comprised within the limit of 200 nautical miles measured from the low water mark at the outermost points of the Galápagos (Colón) Archipelago."

Article 2. The following text is inserted after article 3 of the Decree in question:

"The permits of vessels of foreign nationality to fish and hunt marine species in Ecuadorian territorial waters referred to in the said Decree do not apply to whaling, which shall be regulated by the provisions of article 1 of the Regulations of 18 August 1952 concerning Maritime Hunting Operations in the Waters of the South Pacific, and, subsequently, on the entry into force in Ecuador of the Agreement relating to the Issue of Permits for the Exploitation of the Maritime Resources of the South Pacific, approved at the Lima Conference in December 1954, by the terms of that Agreement."

Note. See also: Maritime Police Code, promulgated by Decree No. 765 of 9 August 1944, Title III, Section II (supra, Chapter II, Section A, under Ecuador).

El Salvador

Decree No. 1961 of 25 October 1955 (Maritime Hunting and Fishing Act)

Article 2. This Act regulates fishing and maritime hunting carried on for commercial purposes.

2 Text of Decree provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.
Fishing and maritime hunting is classified into coastal fishing, sea fishing, and deep-sea fishing. 

Coastal fishing is fishing carried on by vessels at a distance of not more than twelve miles from the coast.

Sea fishing is fishing carried on by vessels at a distance of not less than twelve and not more than 200 miles from the coast.

Deep-sea fishing is fishing carried on by vessels at a distance of more than 200 miles from the coast.

Coastal fishing shall be restricted to nationals of El Salvador, bodies corporate constituted by such nationals, and bodies corporate of Salvadoran nationality at least 50 per cent of the capital of which is owned by nationals of El Salvador.

Article 4. Fishing and maritime hunting for commercial purposes may not be carried on except by virtue of the licence to be issued by the Department of Economic Affairs of the Executive after consultation with the Ministry of Defence.

The licence referred to in the foregoing paragraph shall only be granted to persons and bodies corporate domiciled in El Salvador.

Article 7. If a person or body corporate obtains a fishing or maritime hunting licence for commercial purposes that person or body shall enjoy ipso facto, and for the period of five years, the following privileges:

(a) The State shall grant to persons and bodies corporate that engage in coastal fishing the right to use the seas, bays and estuaries which are in the public domain, and the shores thereof, and the right to use, for the purposes of fishing, all port facilities and installations, without payment of any tax or municipal dues; they shall, however, remain subject to all relevant laws and regulations. Persons and bodies corporate that engage in other types of fishing shall only enjoy the privileges relating to port facilities and installations;

(b) The State shall grant to the said undertaking complete exemption from customs duties in respect of the importation of vessels, tackle and fishing gear, building material, machinery, equipment, fuel and lubricants for vessels. The importation of goods covered by the foregoing exemption shall be subject to the prior approval of the Ministry of Economic Affairs and shall be effected, in conformity with the enactments relating to customs exemptions, free of all duties, taxes, dues or charges whatsoever that arise from or are payable by reason of the fact of importation, and exempt from consular fees for the examination of the required shipping documents;

(c) Anything imported under paragraph (b) above may not be re-exported except with the permission of the Ministry of Economic Affairs.

Article 15. Persons and bodies corporate engaged in fishing shall refrain from obstructing shipping, interfering with the natural flow of waters or with the utilization of same, and from injuring any rights lawfully acquired by third parties.

Article 16. The vessels used in fishing and maritime hunting must be registered in El Salvador.
Article 17. Notwithstanding the provisions of this Act, licences to fish for anchoveta sardines may be granted to foreign vessels. The issue of such licences shall be governed by a special enactment.

Article 18. If any person or body corporate engages in fishing in Salvadorian territorial waters without the authorization or licences prescribed in this Act, or in the Special Regulations made under the Act, that person or body shall be liable to the following penalties:

For the first offence, a fine of C 5,000.—
For the second offence, a fine of C 10,000.—
For the third offence, a fine of C 15,000.— and the seizure of the vessel and its equipment.

The catch shall be seized in all cases.

The foregoing penalties shall be imposed by executive action by the port authority competent to deal with the case.

Note. See also: Marine Administration Regulations of 27 October 1933, article 43 (supra, Chapter II, Section A, under El Salvador (b)); Civil Code of 1860, articles 592-594 (supra, Chapter II, Section A under El Salvador (c)).

Ethiopia

Maritime Proclamation No. 137 of 1953, sections 9 and 98 (supra, Chapter II, Section A under Ethiopia)

France

(a) Décret-loi du 9 janvier 1852, sur l'exercice de la pêche côtière ¹

Article 1er. L'exercice de la pêche côtière, ou pêche du poisson et du coquillage, tant à la mer, le long des côtes, que dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, est soumis aux dispositions suivantes.

Article 2. Aucun établissement de pécherie, de quelque nature qu'il soit; aucun parc, soit à huîtres, soit à moulus; aucun dépôt de coquillages, ne peuvent être formés sur le rivage de la mer, le long des côtes, ni dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, sans une autorisation spéciale, délivrée par le ministre de la marine.

Un règlement d'administration publique déterminera les formes suivant lesquelles cette autorisation sera accordée et pourra être révoquée.

Article 3. Des décrets détermineront, pour chaque arrondissement ou sous-arrondissement maritimes:

1. L'étendue de côte devant laquelle chaque espèce de pêche est permise;
2. La distance de la côte, ainsi que des graus, embouchures de rivières, étangs ou canaux, à laquelle les pêcheurs devront se tenir;

4. Les mesures d'ordre et de police à observer dans l'exercice de la pêche en flotte;

Article 8. Sera puni d'un emprisonnement de deux à dix jours et d'une amende de 1.200 à 24.000 francs:

1. Quiconque se livrera à la pêche pendant les temps, saisons et heures prohibés, ou aura pêché en dehors des limites fixées par les décrets ou arrêtés rendus pour déterminer la distance de la côte, de l'embouchure des étangs, rivières et canaux dans lesquels la pêche aura été interdite;

2. Quiconque aura enfreint les prescriptions relatives à l'ordre et à la police de la pêche en flotte;

3. Quiconque se sera refusé à laisser opérer dans les pêcheries, parcs, lieux de dépôt de coquillages, bateaux de pêche et équipages, les visites requises par les agents chargés, aux termes du paragraphe 1er de l'article 14, de la recherche et de la constatation des contraventions.

(b) Décret du 4 juillet 1853 portant règlement sur la pêche maritime dans les arrondissements de Cherbourg, Brest, Lorient et Rochefort, modifié par le décret du 19 novembre 1859.

PREMIER RÈGLEMENT (ARRONDISSEMENT MARITIME DE CHERBOURG)

Article 1er. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du premier arrondissement maritime.

TITRE Ier. — POLICE DE LA PÊCHE MARITIME CôTIÈRE

Dispositions préliminaires

Article 1er. La police supérieure de la pêche côtière, tant à la mer, le long des côtes, que dans la partie des fleuves, rivières et canaux où les eaux sont salées, est exercée, dans l'arrondissement de Cherbourg, par le préfet maritime.

TITRE II. — MESURES D'ORDRE ET DE PRÉCAUTION PROPRES À ASSURER LA CONSERVATION DE LA PÊCHE ET À EN RÉGLER L'EXERCICE

Article 193. Le préfet maritime ou les chefs du service de la marine peuvent autoriser la pêche dans l'intérieur des ports et des bassins du commerce, après s'être concertés avec l'autorité compétente, lorsque cette autorisation n'entraîne point d'inconvénients soit pour la conservation des ouvrages hydrauliques, civils ou militaires, soit pour le mouvement des bâtiments de mer.

DEUXIÈME RÈGLEMENT (ARRONDISSEMENT MARITIME DE BREST)

Article 1er. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du deuxième arrondissement maritime.

1 Dalloz, Recueil périodique et critique de jurisprudence, de législation et de doctrine, année 1853, 4e partie, p. 170.

2 Ibid., année 1859, 4e partie, p. 131.
Titre II. — Littoral de l’arrondissement. Limites de la pêche maritime et de la zone dans l’étendue de laquelle le présent décret est applicable sur les fleuves, rivières et canaux.

Article 45. Le littoral de l’arrondissement de Brest, divisé en deux sous-arrondissements (Saint-Servan et Brest), se compose des quartiers de Granville, Saint-Malo, Dinan, Saint-Brieuc, Paimpol, Morlaix, Brest et Quimper. Il s’étend depuis l’embouchure de la rivière d’Ay (département de la Manche), jusqu’à l’embouchure de l’Odet (département du Finistère).

Article 46. La pêche est maritime, c’est-à-dire libre, sans fermage ni licence, tant sur les côtes du deuxième arrondissement que dans les fleuves, rivières et canaux désignés au tableau suivant, jusqu’aux limites de l’inscription maritime.

Troisième Règlement (Arrondissement maritime de Lorient)

Article 1er. Le règlement dont la teneur suit sera exécuté dans l’étendue de la circonscription du troisième arrondissement maritime.

Titre II. — Littoral de l’arrondissement. Limites de la pêche maritime et de la zone dans l’étendue de laquelle le présent décret est applicable sur les fleuves, rivières et canaux.

Article 45. Le littoral de l’arrondissement de Lorient, divisé en deux sous-arrondissements, Lorient et Nantes, se compose des quartiers de Lorient, d’Auray, de Vannes, de Belle-Ile, du Croisic, de Paimbœuf et de Nantes.

Il s’étend depuis la rive gauche de l’Odet, jusqu’au port de la Roche ou Étier-Dufresne, dans la baie de Bourgneuf.

Quatrième Règlement (Arrondissement maritime de Rochefort)

Article 1er. Le règlement dont la teneur suit sera exécuté dans l’étendue de la circonscription du quatrième arrondissement maritime.

Titre II. Littoral de l’arrondissement. Limites de la pêche maritime et de la zone dans l’étendue de laquelle le présent décret est applicable sur les fleuves, rivières et canaux.

Article 45. Le littoral de l’arrondissement de Rochefort, divisé en deux sous-arrondissements, Rochefort et Bordeaux, se compose des quartiers de Noirmoutiers, les Sables-d’Olonne, la Rochelle, l’Île de Ré, l’Île d’Oléron, Rochefort, Marennes, Saintes, Royan, Blaye, Libourne, Pauillac, Bordeaux, Langon, la Teste-de-Buch, Dax, Bayonne et Saint-Jean-de-Luz.

Il s’étend depuis le port de la Roche ou Étier-Dufresne, dans la baie de Bourgneuf, jusqu’à la frontière d’Espagne.
Article 46. La pêche est maritime, c'est-à-dire libre, sans fermage ni licence, tant sur les côtes du quatrième arrondissement que dans les fleuves, rivières et canaux désignés au tableau suivant, jusqu'aux limites de l'inscription maritime.

Toutefois, les dispositions du présent décret ne sont applicables dans ces fleuves, rivières et canaux, que jusqu'au point de cessation de la salure des eaux.

Entre ce point et les limites de l'inscription maritime, la pêche, quoique libre et exempte de licence, est soumise aux mesures d'ordre et de police édictées par la loi du 15 avril 1829, sur la pêche fluviale.

(c) Décret du 19 novembre 1859 sur la police de la pêche côtière dans le cinquième arrondissement maritime

Titre Ier. — Police de la pêche maritime côtière

Dispositions préliminaires

Article 1er. La police supérieure de la pêche qui se fait à la mer, le long des côtes, dans les étangs salés, ainsi que dans la partie des fleuves, rivières, canaux, plans ou cours d'eau communiquant directement ou indirectement avec la mer, où les eaux sont salées, est exercée, dans l'arrondissement de Toulon, par le préfet maritime.

Article 2. En temps de guerre, la pêche ne peut être interdite, suspendue ou limitée que par l'ordre du ministre de la marine.

Titre III. — Distance de la côte ainsi que des graus, embouchures de rivières, étangs ou canaux, à laquelle les pêcheurs devront se tenir

Article 58. Sauf les exceptions prévues par le présent décret, toute espèce de pêche est interdite sur la côte, du 1er mars au 30 juin, à moins de 300 mètres, de l'ouverture des ports, des graus, des étangs salés et de l'embouchure des fleuves, rivières et canaux affluant à la mer, tant en avant que des deux côtes des ouvertures, graus et embouchures.

Aucune pêche ne pourra pareillement être exercée dans les étangs, pendant la même période, à moins de 50 mètres de l'embouchure des canaux ou cours d'eau qui y conduisent.

Article 59. Du 1er juillet au dernier jour de février, toute espèce de pêche est interdite, soit sur la côte, soit dans les étangs salés, ainsi que dans les fleuves, rivières et canaux, à une distance moindre de 25 mètres des embouchures.

1 Dalloz, Recueil périodique et critique de jurisprudence, de législation et de doctrine, année 1859, 2e partie, p. 122.
(d) Décret du 10 mai 1862 sur la pêche côtière

Article 1ère. La pêche de tous poissons, crustacés et coquillages, autres que les huîtres, est libre pendant toute l’année à une distance de 3 milles au large de la laisse de basse mer.

La pêche des huîtres est libre du 1er septembre au 30 avril, sur les bancs hors baies ou situés à 3 milles des côtes, avec tous bateaux pontés ou non pontés, sans tonnage déterminé.


Article 2. Sur la demande des prud’hommes des pêcheurs, de leurs délégués et, à défaut, des syndics des gens de mer, certaines pêches peuvent être temporairement interdites sur une étendue de mer au-delà de 3 milles du littoral, si cette mesure est commandée par l’intérêt de la conservation des fonds ou de la pêche de poissons de passage.

L’arrêté d’interdiction est pris par le préfet maritime.

Article 3. En dedans de 3 milles des côtes, la pêche des poissons, crustacés et coquillages, autres que les huîtres, est permise toute l’année, de jour et de nuit, sous les conditions ci-après:

1° Les filets fixes à simple, double ou triple nappe, et les filets à poche auront des mailles d’au moins 25 millimètres en carré.

Les marins peuvent en faire usage en bateau ou autrement.

2° Les filets flottants ne sont assujettis à aucune dimension de maille.

Sont assimilés aux filets flottants, les filets fixes dont la ralingue inférieure est élevée de manière à laisser toujours un intervalle de 20 centimètres au moins entièrement libre au-dessous de ladite ralingue.

3° La grande seine à jet aura des mailles de 25 millimètres en carré.

Les dimensions des mailles des filets employés dans la Méditerranée restent fixées telles qu’elles l’ont été par le décret du 19 novembre 1859, lorsque ces dimensions sont inférieures à celles prescrites par le présent décret.

Article 6. L’usage des filets trainants pour la pêche de toutes espèces de poissons peut être, sur la proposition des préfets maritimes, autorisé par des arrêtés de notre ministre de la marine et des colonies, à moins de 3 milles de la côte, dans les localités où, soit à raison de la profondeur des eaux, soit pour toute autre cause, il ne présente aucun inconvénient.

Ces filets doivent avoir des mailles d’au moins 25 millimètres en carré.

Dans aucun cas, il n’est fait usage de filets trainants à moins de 500 mètres des huîtrières.

Article 7. Toute espèce de pêche, par quelque procédé que ce soit, à moins de 3 milles de la côte peut, sur une étendue déterminée du littoral, être temporairement interdite lorsque l’interdiction est reconnue nécessaire pour sauvegarder, soit la reproduction des espèces, soit la conservation du frai et du fretin.

1 Dalloz, Recueil périodique et critique de jurisprudence, de législation et de doctrine, année 1862, 4e partie, p. 58.
L'interdiction est prononcée par un décret impérial, rendu sur la proposition de notre ministre de la marine et des colonies.

Article 8. Les préfets maritimes fixent par des arrêtés les époques d'ouverture et de clôture de la pêche des huîtres sur les bancs dans l'intérieur des baies et sur ceux situés à moins de 3 milles de la côte.

Ils déterminent les huîtrières qui seront mises en exploitation.

Cette pêche est interdite avant le lever et après le coucher du soleil.

A moins d'exception ordonnée par le préfet maritime, dans l'intérêt du nettoyage des bancs d'huîtres, les pêcheurs doivent immédiatement rejeter à la mer les poussières, sables, graviers et fragments d'écaill es, ainsi que les petites huîtres au-dessous des dimensions réglementaires.

Toutefois, dans les localités où il existe des étalages ou autres établissements propres à recevoir les petites huîtres, ces dernières peuvent y être déposées au lieu d'être rejetées sur les fonds.

Article 12. Les préfets maritimes déterminent par des arrêtés toutes les mesures de police, d'ordre et de précaution propres à empêcher tous accidents, dommages, avaries, collisions, etc., et à garantir aux marins le libre exercice de la pêche.

(e) Loi ayant pour objet d'interdire la pêche aux étrangers dans les eaux territoriales de France et d'Algérie du 1er mars 1888 comme modifiée par la loi du 30 mars 1928 et par la loi du 16 avril 1933.

Article 1er. La pêche est interdite aux bateaux étrangers dans les eaux territoriales de la France et de l'Algérie, en deçà d'une limite qui est fixée à trois milles marins au large de la laisse de basse mer.

Pour les baies, le rayon de trois milles est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas dix milles. Dans chacun des arrondissements maritimes, et pour l'Algérie, des décrets déterminent la ligne à partir de laquelle cette limite est comptée.

Article 11. La présente loi ne porte pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la partie réservée des eaux territoriales françaises.

Un décret rendu dans la forme des règlements d'administration publique déterminera les règles spéciales de police auxquelles, dans ce cas, les bateaux de pêche devront se conformer. . . .

Article 12. Il n’est pas dérogé aux dispositions des conventions internationales et des lois qui s’y réfèrent.

(f) Décret du 9 décembre 1926.

Article 1er. Est applicable à toutes les colonies où elle n’a pas été promulguée à ce jour, la loi du 1er mars 1888, interdisant aux bâtiments étrangers la pêche dans les eaux territoriales françaises.

(g) Décret présidentiel du 1er juin 1938

Article 1er. Les lignes droites tirées en travers des baies du littoral de la Manche et de l’océan Atlantique et à partir desquelles la limite des trois milles marins déterminant la zone réservée à la pêche nationale dans les eaux territoriales françaises doit être comptée conformément à l’article 1er de la loi du 1er mars 1888, sont tracées comme suit :

Baie de Seine (carte 5085) :
   Du phare de la Hève au feu de la jetée ouest de Trouville, 8 milles 4.

Baie entre le cap Lévi et Cherbourg (carte 5069) :
   Du phare du cap Lévi au fort de Nacqueville, 9 milles 7.

Anse de Vauville (carte 5069) :
   Du sémaphore de Jobourg au sémaphore de Flamanville, 9 milles 5.

Baie de Saint-Malo (carte 5069) :
   1. De la pointe de Minga à Cézembre, 6 milles 2 ;
   2. De Cézembre au cap Fréhel, 9 milles 5.

Baie de Saint-Brieuc (carte 5069) :
   1. De la roche les Bignons au phare du Grand-Lejon, 9 milles 5 ;
   2. Du phare du Grand-Lejon à la roche la Mauve, 9 milles.

Baie de Paimpol (carte 5069) :
   1. De la roche la Mauve au rocher Men-March, 9 milles 5 ;
   2. Du rocher de Men-March à la Horaine, 2 milles 2.

Embouchure du Trieux (carte 5069) :
   De la Horaine au phare des Héaux de Bréhat, 6 milles 6.

Embouchure du Jaudy (carte 5069) :
   Du phare des Héaux à la Basse-Laërs, 7 milles 2.

Anse de Perros (carte 5069) :
   De la Basse-Laërs à l’île Rouzic, 6 milles 8.

Baie de Lannion (carte 5069) :
   1. De l’île Rouzic au phare des Triagoz, 8 milles 4 ;
   2. Du phare des Triagoz à la Mélaine, 8 milles ;

Chenal du Four (carte 3032) :
   Du phare du Four à la tourrelle Men-Corn, 9 milles 3.

Iroise, baie de Douarnenez (carte 3032) :
   1. Du feu de la Jument aux Pierres-Vertes, 4 milles 4 ;
   2. Des Pierres-Vertes au phare des Pierres-Noires, 6 milles 8 ;
   3. Du phare des Pierres-Noires à la tourrelle de la Parquette, 7 milles 5 ;
   4. De la tourrelle de la Parquette à la Basse-Vieille, 9 milles 5 ;
   5. De la Basse-Vieille au phare de Tévennec, 9 milles 1.

Anse de Bénodet (carte 3032) :
   Du sémaphore de Lesconil à la tourrelle des Bluinies, 7 milles 7.

Baie de Concarneau (carte 3032):
   De Men-Skey à l'île Verte, 6 milles 9.

Coureaux de Groix (3032):
   Du feu de la pointe des Chats à la tourelle des Pierres-Noires, 8 milles 4.

Coureaux de Belle-Ile (carte 3032):
   1. De la pointe Beg-el-Lan au phare des Poulains, 7 milles 4;

Baie de Quiberon (carte 3032):
   Du phare des Grands-Cardinaux au phare du Four, 8 milles 3.

Embouchure de la Loire, baie de Bourgneuf (carte 3033):
   1. Du phare du Four au phare de la Bauche, 10 milles;
   2. Du phare de la Bauche au phare du Pilier, 9 milles.

Pertuis Breton (carte 3033):
   De la pointe du Perray au feu du Haut-Banc du Nord, 10 milles.

Pertuis d'Antioche (carte 3033):
   De la pointe de Chanchardon au phare de Chassiron, 9 milles 5.

Embouchure de la Gironde (carte 3033):
   1. De la pointe de la Coubre au phare de Cordouan, 7 milles;
   2. Du phare de Cordouan à la balise de la Négate, 6 milles 5.

(h) Décret-loi du 17 juin 1938, relatif à la modification des limites de l'inscription maritime

Article 5. Dans les fleuves, rivières, canaux et autres cours d'eau affluant à la mer, la pêche reste soumise aux règlements maritimes et s'exerce au profit des inscrits maritimes sans fermage ni licence jusqu'au point de cessation de salure des eaux.

(i) Décret du 23 septembre 1922, portant habilitation des brigades des douanes à la recherche et à la constatation des délits de pêche maritime commis sur toute l'étendue du territoire

Article 1er. Les agents des brigades des douanes recherchent et constatent, sur toute l'étendue du littoral, les infractions aux lois, décrets et règlements en vigueur sur la pêche maritime côtière concurremment avec les fonctionnaires et agents désignés à l'article 16, paragraphe 1er, de la loi du 9 janvier 1852 et à l'article 1er du décret susvisé du 16 juin 1908.

(j) Décret du 18 décembre 1926, habilitant les militaires de la gendarmerie départementale à connaître des infractions en matière de pêche maritime côtière

Article 1er. Les militaires de la gendarmerie départementale pourront rechercher et constater sur toute l'étendue des côtes du territoire national
et de l’Algérie, concurremment avec les fonctionnaires et agents désignés à l’article 16, paragraphe 1er, de la loi du 9 janvier 1852, les infractions aux dispositions contenues dans la loi, les décrets et règlements sur la pêche maritime côtière.

**Nouvelle-Calédonie**

**Décret du 23 septembre 1911 portant interdiction aux navires étrangers de se livrer à la pêche dans les eaux territoriales de la Nouvelle-Calédonie**

1. Sont rendus applicables à la Nouvelle-Calédonie et dépendances les articles 2, 3, 4, 6, 7, 8, 9 et 10 de la loi du 1er mars 1888, interdisant la pêche aux étrangers dans la limite des eaux territoriales et édictant des pénalités en cas d’infraction à cette disposition. *(V. L. 1er mars 1888.)*

2. La limite des eaux territoriales est fixée par une ligne imaginaire courant à trois milles marins au large des grands récifs extérieurs et, là où ces récifs manquent, à 3 milles marins au large de la baisse de basse-mer.

3. La présente interdiction comprend tous les produits de la mer.

6. Le présent décret ne porte pas atteinte à la libre circulation reconnue aux bateaux étrangers naviguant ou mouillant dans la partie réservée aux eaux françaises. Des arrêtés du gouverneur, soumis à l’approbation des ministres de la marine et des colonies, détermineront les règles spéciales de police auxquelles dans ce cas les bateaux de pêche devront se conformer. Les infractions à ces règlements seront constatées et poursuivies dans les formes prévues par la loi du 1er mars 1888 et le présent décret. Elles seront punies conformément aux dispositions de l’article 2 de la loi du 1er mars 1888.

8. Il n’est pas dérogé aux dispositions des conventions internationales et des lois qui s’y réfèrent.

**Germany (Federal Republic)**

(a) **Fishery Act of 11 May 1916**

**Chapter 1**

**General Provisions**

*Article 1.* For the purposes of this Act:

(1) The term “coastal waters” means those parts of the North and Baltic Seas, including open bays and the sections of watercourses enumerated in the annex, over which Prussian sovereignty extends;


(2) The term "inland waters" means all other waters.

CHAPTER 2

Fishery rights

Article 4...

(3) For the purposes of this Act the term "fish" includes all forms of animal life subject to fishery rights. The term "fishing" includes all activities coming under paragraph (1).

Article 6. A German national may engage in fishing without restriction in coastal waters to which there is no title of ownership.

Article 7. Fishery rights in coastal waters to which there is a title of ownership and in inland waters shall vest in the owners.

CHAPTER 6

Fishing licences and permits

Article 96. (1) A fishing licence may be refused to:

3. A person who has no place of residence in the Reich.

Article 97. A fishing licence may be issued to a person other than a German national only by the President of the District. The President may make the issue of the licence conditional upon a person who is a citizen of, and domiciled in, Prussia standing surety for any damage for which the licensee may become liable under article 15 and for any costs and fines which the licensee may incur under this Act or under fishery-supervision regulations. An appeal from the decision of the President shall lie only to the supervisory authority.

(b) ACT OF 30 APRIL 1934 FOR THE PROTECTION OF THE NORTH SEA PLAICE FISHERIES

Article 1. It shall be unlawful to retain or carry on board ship in German coastal waters of the North Sea, or to land, offer for sale or sell at any port or on the coast adjoining German coastal waters of the North Sea, or to dispatch from such port or coast, any plaice (Pleuronectes platessa) measuring less than 24 cm from the tip of the snout to the end of the longest portion of the caudal fin.

Article 2. The Minister of Food and Agriculture, or such authorities as he may designate, may:

1. Make exceptions for scientific purposes;

2. Permit, in with shrimp caught by shrimp fishermen for the sole purpose of preparing dried shrimp, a quantity of undersized plaice not exceeding 5 per cent by weight of the total amount of shrimp.

(c) Fishing Licences Act of 19 April 1939

General Provisions

Article 1. (1) Any person who engages in fishing (the catching of fishes, crustaceans, oysters or other molluscs or sea moss, or frogs in so far as these come within the scope of fishery laws) shall carry a fishing licence made out in his name and bearing his photograph and shall produce the same on request to a fishery officer, a police officer, another licensed fisherman or a fishery inspector.

(2) A fishing licence shall be valid throughout the territory of the Reich.

(3) A fishing licence shall not be required:

(a) In respect of high-sea and herring fisheries;

(b) By a German national who for the purpose of assisting a licensed fisherman engages in fishing with him. Where two or more such assistants are jointly engaged in fishing on behalf of a licensed fisherman in his absence, it shall be sufficient if one of the assistants carries a fishing licence made out in that assistant's name;

(c) In respect of fishing in a body of water with an area of less than 1,000 square metres and entirely surrounded by land owned by a licensed fisherman.

(d) First Ordinance of 21 April 1939 to Give Effect to and Supplement the Fishing Licences Act of 19 April 1939

Article 4. A fishing licence may be refused to:

(3) A person who has no place of residence in the Reich;

(4) A person who is not of German nationality;


CHAPTER 1. GENERAL PROVISIONS

Article 1. (1) For the purposes of this Act:
1. The term "coastal waters" means those parts of the North Sea, including open bays, over which the sovereignty of Oldenburg extends, and the estuaries of the larger rivers;
2. The term "inland waters" means all other waters.
(2) The boundaries of inland and coastal waters shall be determined by regulation.

Article 2. (1) For the purposes of this Act the term "closed waters" means:
1. Artificial fishponds and such other artificial installations for the breeding of fish as are closed to the passage of fish of the prescribed minimum dimensions;
2. Such other waters as are not connected with open waters by a permanent outlet for fish.
Details concerning the nature of the closure referred to in subparagraph 1 may be prescribed by regulation.
(2) All other waters shall be "open waters".
(3) Open waters may be declared by the Ministry of the Interior to be closed waters if and to such extent as they are closed off to the passage of fish of the prescribed minimum dimensions.

Article 3. (1) For the purposes of this Act the term "public waters" means:
1. Those parts of the North Sea, including open bays, which belong to the division (Landesteil) of Oldenburg;
2. The public waters of the Reich and the State, as well as those of the cities and corporations (Act of the Reich concerning the State Treaty of 29 July 1921 on the transfer of waterways from the various States to the Reich; the Water Regulations of 20 November 1868; the Act of 9 August 1922 concerning the establishment of water corporations in the Geest; and the Dike Regulations of 8 June 1855).
(2) All other waters shall be "private waters".

Article 4. This Act, unless otherwise specifically provided therein, shall not apply to closed waters.

CHAPTER 2. FISHERY RIGHTS

Article 5. (1) The term "fishery rights" means the right to propagate in, or take from a body of water, fish, crustaceans, oysters and other molluscs, frogs, sea moss, coral moss and turtles.
(2) For the purposes of this Act the term "fish" includes all forms of animal life subject to fishery rights. The term "fishing" includes all activities coming under paragraph (1).

Article 6. If a body of water overflows its banks, no measures may be taken to prevent fish from returning thereto.

CHAPTER 3. EXERCISE OF FISHERY RIGHTS

Article 7. (1) Fishery rights in coastal waters may by agreement be transferred either in their entirety (by lease) or with regard solely to the catching of fish (by permit). A permit may be restricted to specific sorts of fish and fishing equipment and may preclude the use of fishing craft.

CHAPTER 4. FISHING CARDS AND PERMITS

Article 11. (1) Any person who engages in fishing shall carry a valid fishing card bearing his name and shall produce the same on request to a police officer or fishery inspector. The validity of a fishing card issued to a person entitled to fish in his own waters shall extend to any member of his family and household other than a person to whom a fishing card may be refused under article 14, paragraph (1), sub-paragraph 2.

(2) A fishing card shall not be required:

3. For unrestricted fishing in the North Sea and in open bays, or for fishing in coastal waters in respect of which permits are issued by the State.

CHAPTER 6. PROTECTION OF FISHERIES

Part I. General provisions

Article 19. (1) It shall be unlawful to pollute open waters by the introduction of harmful substances in amounts likely to destroy or seriously damage fish and their young.

(2) The Ministry of the Interior may grant exceptions, subject to certain limitations, to the foregoing prohibition, and in particular may allow the discharge or drainage of the substances aforesaid into the water if the overriding interests of agriculture or industry so require. So far as local conditions permit, the proprietor of the establishment shall be required to carry out such arrangements as will serve to reduce the damage to the fishery.

(3) If a discharge of agricultural or industrial waste, as existing before the coming into force of this Act or as permitted under the foregoing paragraph, is destroying or seriously damaging the fish in a body of water, the proprietor of the establishment, on application by the owner of the waters, may be required by the Ministry of the Interior to take such measures not constituting an unreasonable burden on the business as will serve to eliminate the damage or reduce it as far as possible. An appeal against a requirement imposed under this paragraph may be lodged with the Higher Administrative Court within two weeks.

(4) It shall be unlawful to ret flax or hemp in open waters, but exceptions may be allowed by the fishery authorities.
CHAPTER 7. ADMINISTRATION OF FISHERIES

Article 31. (1) The supervision of fisheries shall be exercised by the fishery authorities. Except as otherwise provided, or where jurisdiction as a matter of principle vests in the ordinary courts, the said authorities shall settle all disputes arising under this Act. The fishery authorities shall be the administrative districts and the municipal councils of first class cities.

(2) An appeal against a decision or order of the fishery authorities shall, unless some other form of recourse is provided by law, lie to the Ministry of the Interior, whose decision shall be final. The provisions of article 5 of the Act of 7 January 1879 concerning the organization of administrative districts shall apply.

(f) NOTICE OF 26 FEBRUARY 1929 OF THE MINISTRY OF STATE CONCERNING THE EXECUTION OF THE FISHERY ACT OF 26 FEBRUARY 1929 FOR THE DIVISION (Landesteil) OF OLDENBURG (FISHERY ORDER FOR THE DIVISION (Landesteil) OF OLDENBURG (NIEDERSACHSEN))

By virtue of article 37 of the Fishery Act of 26 February 1929 for the division (Landesteil) of Oldenburg and of article 9 of the Act of 5 December 1868 concerning the organization of the Ministry of State, it is hereby provided as follows:

Article 1 (ad article 1 of the Act). The boundaries of the inland and coastal waters shall be constituted:

(1) in the Weser by the State boundary towards Bremen;
(2) in the Hunte by a straight line drawn through the middle of the two dyke-openings maintained by the State at Huntebrück;
(3) in the sluice channels emptying into the coastal waters by the sluices and locks.

(g) REGULATIONS OF 28 APRIL 1950 MADE UNDER THE FISHERY ACT (SCHLESWIG-HOLSTEIN FISHERY ORDER) OF 11 MAY 1916 (SCHLESWIG-HOLSTEIN)

chapter 2

Closed seasons in respect of open waters

Article 11. The following areas shall be closed to fishing:

(1) In the Geltimger Bucht, the area within a radius of 200 metres from the mouth of the Lippingau River, from 1 September to 15 January;

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In the Flensburger Förde, the entire harbour of the Langballigau River, including the dredged area, and, in addition, the area off the mouth of the Langballigau River comprised within a circle with a radius of 200 metres drawn about the centre of the harbour mouth, from 1 September to 15 January;

The area off the mouth of the Schlei comprised within a circle with a radius of 400 metres drawn about a point midway between the two extremities of the moles, throughout the year; this provision shall not apply to fishing with rod and line;

The area in the Schlei off the mouth of the Loiter Au River bounded by a line drawn from the Kahleby church-tower through the buoy in front of the open entrance to the Loiter Au River to the Winning farmhouse, from 11 October to 31 December;

The Schwentine outlet of the Kleiner Plöner See lake from Wittmoldt farm (a line from Polenkate to "Franzenort") downstream as far as the end of the estuary of the Schwentine, throughout the whole year;

The Schwentine inlet of the Kellersee lake for a distance of 100 metres downstream from the new mill, throughout the year.

CHAPTER 3

Fishing gear for open waters

Article 20. (1) Fishing with drag-nets, trawls, bag-nets and similar nets, drawn by wind-, steam- or engine-power shall be prohibited in the following areas:

(a) In the coastal waters of the Baltic Sea within the three-mile limit;

(b) In the Elbe, above a line from Brockdorf to the entrance of Freiburg creek and in the area enclosed by two straight lines drawn southwards from the western and eastern extremities of the roadstead at the mouth of the Kiel canal at Brunsbüttelkoog;

(c) In the Eider, from Tönning (at a line from the harbour entrance to the south-west corner of the sea-wall at Karolinenkoog) to the dike at Nordfeld.

(2) The following exceptions shall be made to the provisions of paragraph (1), sub-paragraph (a), above:

1. Eckernförder Bucht:

(a) Trawl fishing at depths of over twenty metres shall be permitted seawards of the line Dänisch-Nienhof—Mittelgrundtonne Ost—Schwarze Mittelgrundtonne—road at Strandbek.

(b) The Fishery Board may in addition grant revocable written permission to individual fishing vessels with an engine-power not exceeding thirty-five horsepower and trawls with meshes at the rear of at least thirty-five millimetres to engage in fishing seawards of the line Lindhöft mill—Ludwigsburg castle at depths of over twenty metres.

(c) Individual fishing vessels with an engine-power not exceeding twenty-five horsepower and trawls with meshes at the rear of at least thirty-five millimetres may, from 1 September to 31 March and with the revocable written permission of the Fishery Board, engage in fishing east of the line Kronsort—outlet of Hemmelmarker See lake at depths of over twenty metres.
(d) Fishermen who have been granted permission under sub-paragraph (b) or (c) may from year to year be given general permission by the Fishery Board to use trawls of any width of mesh in the specified areas from 1 September to 31 October.

(e) The grant of permission under sub-paragraphs (b) and (c) may be made subject to conditions and shall be valid in all cases for a period of one year.

2. With regard to the Flensburger Förde, the provisions of the general regulations on fisheries, and in particular of the Schleswig-Holstein Fishery Order of 28 April 1950, shall apply only in so far as they have not been limited or modified by article 1 of the Police Regulations made by the district President of Schleswig on 5 March 1926 (GVOBl. 1954, p. 159).

3. Fehmarnbelt:

In the Fehmarnbelt along the coasts between Westermarkelsdorf and Marienleuchte on Fehmarn, trawl fishing by fishing boats with an effective engine-power not exceeding fifty horsepower shall be permitted from November to March inclusive in an area bounded:

(a) On the south by a line at the twenty-metre depth;

(b) On the west by the meridian passing through Westermarkelsdorf light;

(c) On the east by the meridian 11° 10' east (GVOBl. 51, p. 170).

4. Lübecker Bucht:

Along the Baltic coast of Schleswig-Holstein between Grömitz and Polzerhaken, trawl fishing shall be permitted also within the three-mile limit but only seaward of a line situated 1.5 miles from the coast.

The boundaries shall be:

1. On the north-east:

   A line running from north-west to south-east through the Grömitz church-tower;

2. On the south-west:

   The line from Polzerhaken light to the mouth of the Harkenbek, which line is recognizable at night on the basis of the eastern limit of the red sector of Polzerhaken light (GVOBl. 1952, p. 78).

3) The Fishery Board may, on a revocable basis, grant permission for the use of harpoon-fishing trawls in specified areas of the Baltic coastal waters for specified periods from May to November between sunrise and sunset. During these periods, fishing with rod and line shall be prohibited in the areas in respect of which such permission has been granted. Harpoon-fishing trawls may be used only in depths of less than three metres and only when two fishing vessels are employed. The use of shearing-blocks shall not be allowed. In the permit granted as provided in the first sentence of this paragraph, the fishing gear shall be designated by the fish commissioner as a harpoon-fishing trawl.

4) In order to protect young plaice in the Baltic Sea, the Fishery Board may prohibit fishing with rod and line in specified areas from May to September, inclusive, at depths of less than three metres.
CHAPTER 5

Identification of fishing equipment in open waters

Article 31. (1) Fishing vessels in coastal waters shall, in addition to the markings prescribed by the Act to give effect to the International Convention of 30 April 1884 on the North Sea Fisheries (REGI., p. 48), bear as distinguishing marks the first three letters of the home port followed by the registration number assigned to the vessel by the Fishery Board. Where the names of two or more places begin with the same three letters the Fishery Board shall assign distinguishing letters in each case.

Article 1. It shall be unlawful to navigate in the following areas from 1 April to 15 July and from 15 September to 31 December of each year:

1. The area east of the buoyed channels (roadstead) bounded by a line joining the following points:
   - Sellebrunn light-and-whistle buoy—Dune 0/1 beacon buoy—Düne 0/2 beacon buoy—Düne S beacon buoy—spar-buoy A at the south entrance;

2. The area west of the buoyed channels (roadstead) bounded by a line joining the following points: Nathurn light-buoy—HSG blue conical buoy—Heligoland light-and-whistle buoy.

Article 2. The provisions of article 1 shall not apply to vessels used by the Heligoland lobster-fishermen for the purposes of their occupation or to official vessels.

Article 3. Before fishing areas are occupied for the purpose of laying pound nets or other fishing equipment secured with stakes, the relevant general regulations in force in each country shall be complied with. German law shall apply in German territory and Danish law in Danish territory.

The initial laying of pound nets, eelpots and other equipment similarly secured with stakes, the transfer of existing equipment as aforesaid from one


place to another and any change in the original direction of weirs shall be allowed only on the authorization of the competent fishery authorities. This provision shall not apply to Danish fishermen in Danish territory. The relevant applications must be made to the fishery authorities of the home country, which shall secure the necessary authorization from the competent fishery authorities of the foreign country.

**Article 11.** In all cases where no specific provisions concerning fishing are set forth in these Regulations, the fishery laws and regulations of the country concerned shall apply within its territorial boundaries.

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**Greece**

(a) Act No. 652 of 27 February to 10 March 1915 to regulate fishing in Greek coastal waters

**Article 1.** Vessels of foreign nationality shall be permitted to carry on fishing of all kinds, including sponge-fishing and coral-fishing, in Greek waters to the extent to which, and on the conditions subject to which, Greek vessels are permitted to carry on fishing in the waters of the States to which such foreign vessels belong.

**Article 2.** If a fishing vessel of foreign nationality which engages in fishing outside the coastal area enters a Greek port or any point of the Greek coast, it shall be liable to a tax of 30 lepta in respect of each oka of fresh fish and 40 lepta in respect of each oka of salted fish. Any vessel which engages in sponge-fishing or coral-fishing shall be required to dispose of the produce of its activities in Greece. A vessel having the nationality of a State in which such conditions and such taxation are not imposed by law shall be exempt from the effect of these provisions. Such vessel shall be subject in Greece to the same conditions as those to which a vessel in similar circumstances is subject in the country of its nationality.

**Article 3.** If a vessel which, under the foregoing provisions, is not entitled to fish in Greek waters is found fishing in the said waters, it shall be liable to a fine not exceeding one thousand drachmae. In this event, all State authorities shall be informed accordingly so that if the vessel at any time enters any Greek port it may be seized as security for the payment of such fine.

**Article 4.** The commanding officers of Greek warships, the port authorities and the local administrative, financial and police authorities shall be responsible for the strict enforcement of this Act. The Ministry of Finance shall inform these authorities by circular letter concerning the fishing regulations in force in States whose waters are frequented by Greek fishermen. The said authorities shall be under a duty to seize catches taken in contravention of the law and to take suitable proceedings against any person offending against the foregoing provisions.

**Article 5.** Any official of the aforementioned authorities who fails to perform his duty shall be liable to a fine of not less than 250 nor more than 500 drachmae for a first offence; if he commits a second offence, he shall

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be dismissed from the service and shall not be eligible for reappointment for one year.

Article 6. All provisions inconsistent with the present Act are hereby repealed. This Act shall come into force upon the day of its publication in the official gazette (Efimeris tis Kiverniseos).

Honduras

CIVIL CODE OF 8 FEBRUARY 1906

Article 661. Hunting and fishing are occupations by means of which a person acquires the ownership of wild animals.

Article 665. Fishing on the high seas may be carried without restrictions; fishing in the territorial sea is, however, restricted to Honduran nationals and to aliens domiciled in Honduras.

Article 666. Fishermen may use the foreshore to the extent necessary for their occupation, for which purpose they may build huts, beach their fishing vessels, land their implements and their catch, dry their nets, etc. Nevertheless, they must not make use of the buildings or constructions on the foreshore without the permission of the owners thereof, nor may they obstruct other fishermen in the lawful use of the foreshore.

Article 667. For the purposes aforesaid, fishermen may also make use of the land adjacent to the foreshore up to a distance of ten metres inland; they must not, however, touch any buildings or constructions situated in the ten-metre strip, or cross any fences, or enter woods plantations or land under cultivation.

Article 668. The owners of land adjacent to the foreshore must not put up fences or erect any buildings or constructions or plant crops within the said ten-metre strip, unless they leave sufficient and convenient space for operations connected with fisheries.

If a landowner should fail to observe this rule, the fishermen may apply to the local authorities for action to remedy the situation.

Note. See also: Act of 9 April 1927, articles 8 and 14 (supra, Chapter II, Section A under Honduras (a)). and Congressional Decree No. 25 of 17 January 1951 approving Presidential Decree No. 96 of 28 January 1950, Single Article, article 2 (supra, Chapter I, under Honduras (d)).

Iceland

(a) ACT NO. 33 OF 19 JUNE 1922 CONCERNING FISHING RIGHTS IN TERRITORIAL WATERS

Article 1. Only Icelandic citizens may engage in fishing in the territorial waters of Iceland, and only Icelandic boats or ships may be used for such fishing.

1 Text provided by the Secretary of State for External Relations of Honduras. Translation by the Secretariat of the United Nations.

Article 2. In this Act, the expression “Icelandic boats and ships” or any like expression means boats and ships owned by Icelandic citizens exclusively.

Article 3. Alien fishermen engaged in fishing outside territorial waters may seek shelter near the shore from storm or bad weather. Aliens must not, however, stay near land or in port in order to engage from there in fishing outside territorial waters.

Foreign vessels are forbidden to process their catch in territorial waters or in ports; it is furthermore forbidden to all but Icelandic citizens to bring their catch into territorial waters or ashore in order to process it there.

Article 4. If a foreign fishing vessel puts into port in Iceland, the master shall immediately, or as soon as possible and in any case not later than twenty-four hours after the vessel’s entry into port, report to the responsible chief constable or parish bailiff (hreppstjóri) or their representative; the responsible official shall examine the ship’s papers and satisfy himself that the laws concerning fishing, trade, customs duties or quarantine are not violated or evaded by the vessel and, if necessary, shall make any pertinent inquiries.

For the examination of the ship's papers the chief constable or parish bailiff shall receive the fee laid down in the Supplementary Revenue Act.¹ A note certifying the examination and the payment of the prescribed fee shall then be entered in the vessel's muster-roll...²

Article 5. If foreign herring-vessels are in territorial waters, they must keep their boats on deck in the usual position and their trawls or nets on board, but not in the boats.

Article 8. If a citizen of another State can prove by means of a certificate from a responsible official, that he has been domiciled in Iceland uninterruptedly for twelve months before this Act came into force, he shall have the same rights as those of an Icelandic citizen, and the conditions applicable to Icelandic citizens shall be equally applicable to him. Furthermore, the Minister of Industrial Affairs may for a period of three years after the entry into force of this Act grant to aliens who own fish-processing establishments in Iceland permission to process fish in those establishments notwithstanding the prohibition contained in the second paragraph of article 3. Such permission does not constitute authority to fish in territorial waters or to use foreign vessels in contravention of this Act.

Article 9. The Minister of Industrial Affairs may grant permission to the owners of herring-oil or herring-meal factories or of similar factories to use foreign fishing vessels for the purpose of supplying these factories with raw material, notwithstanding the prohibition contained in the second paragraph of article 3. In the terms of the permission, which may be granted for two years at a time, it should be specified that it does not authorize foreign vessels to catch or process fish in territorial waters and also that the permission shall lapse if its conditions are not fulfilled in all respects.

Article 10. If a catch is processed as it is caught in a vessel which is entitled to fish in territorial waters, the vessel must first deposit with the

¹ Act No. 27 of 27 June 1921, article 54.
² Act No. 47 of 27 June 1925, article 2.
chief constable whatever security he determines for any payments that the
vessel may have to make. The master of the vessel shall receive a certificate
to the effect that the security has been deposited, and shall produce it upon
request.

**Article 11.** Joint-stock companies are not entitled to engage in fishing or
to process fish in territorial waters unless all the stock is the property of
Icelandic citizens. However, joint-stock companies in which citizens of
other States own stock may engage in fishing in territorial waters if more
than half of the stock is the property of Icelandic citizens, the company is
domiciled in Iceland and the members of its board of directors are Icelandic
citizens, of whom not less than half must be resident in Iceland.

Before a joint-stock company can begin operations, its articles of associa-
tion must be produced to the chief constable in the place of registry, or, if
the company is not registered in Iceland, in the place where the fishing
operations begin. Likewise, any amendment to the articles of association
shall be reported to the chief constable. The discharge of this duty does
not exempt the person concerned from the duty to report amendments
pursuant to the Joint-Stock Company Act. The articles of association must
contain a provision requiring all stock to be registered in the name of the
holder and stipulating that no alienation or transfer of stock shall be valid
unless notified in writing to the board of the company, which shall at all
times maintain its register of stock-holders up to date, the said register to
give particulars of the quantity of stock owned by each stock-holder. The
chief constable shall satisfy himself that the articles of association are consis-
tent with the law of Iceland.

**Article 12.** This Act in no way affects the rights... which may be
granted to others by international treaties.

(b) **Act No. 4 of 4 May 1925 to supplement Act No. 33 of 19 June
1922 concerning fishing in territorial waters**

**Article 1.** Persons who are entitled to fish in the territorial waters of
Iceland are not permitted to operate foreign vessels from Iceland or to
use foreign vessels for fishing around Iceland whether in or outside terri-
torial waters.

The Minister of Industrial Affairs may, however, grant an exemption
from the foregoing provision, for a specified number of years, in cases in
which foreign vessels are now under charter.

**Article 2.** The provisions of articles 9 and 12 of Act No. 33 of 19 June
1922 concerning fishing in territorial waters shall be maintained unchanged.

(c) **Act No. 5 of 18 May 1920 concerning the prohibition of
trawling**

**Article 1.** Fishing with trawls shall be prohibited in the territorial
waters of Iceland.

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(The Minister may grant an exemption from this prohibition to motor-boats which fish for deep-water prawns in specified areas with ordinary deep-water prawn nets.)

**Article 2.** If a trawler is in territorial waters, its entire fishing gear must be stowed away on board.

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**Article 2.** If a trawler is in territorial waters, its entire fishing gear must be stowed away on board.

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(d) **Act No. 45 of 13 June 1937 Concerning the Prohibition of Danish Seine-Netting in Territorial Waters**

**Article 1.** In Icelandic territorial waters, fishing with Danish seines shall be prohibited each year in the period from 1 January to 1 June and from 1 to 31 December. Furthermore, Danish seine-netting with vessels of a gross tonnage of 35 or more shall be prohibited throughout the year. In special circumstances the Minister of Industrial Affairs may grant these vessels permission to engage in such fishing between 1 October and 30 November. A county council (sýslufund) or town council may prohibit all Danish seine-netting within demarcated authorized port areas in the district in question by means of a by-law, which must be published in Lögþjóðablásid (official gazette).

Danish seines are taken as including those nets which touch the bottom and are drawn along the bottom in fishing, including the plaice-net (snurrevaad).

**Article 2.** Owners and usufructuaries of land adjacent to the sea shall, however, be entitled to use drag-seines (adderstarnakot) and to haul them ashore. It shall also be lawful to pen in herring and coal-fish up to the shore, in conformity with the provisions of the Order of 12 February 1872, and likewise to fish for herring in territorial waters by means of a purse-seine even if it touches the bottom.

On receiving special permission from the Minister of Industrial Affairs, which must in each case specify a time-limit, persons engaged in scientific research may be allowed to use Danish seines within territorial waters.

**Article 7.** Prosecutions in respect of offences against this Act shall be governed by the procedure applicable to public police cases.

(e) **Law No. 44 of 5 April 1948 Concerning the Scientific Conservation of the Continental Shelf Fisheries, as Amended**

**Article 1.** The Ministry of Fisheries shall issue regulations establishing explicitly bounded conservation zones within the limits of the continental

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1 Act No. 56 of 23 June 1936, article 1.
2 Cf. Act No. 31 of 27 June 1925, article 3.
3 Lögþjóðablad 1945, columns 1426 and 1427. Translation by the Secretariat of the United Nations.
4 Act No. 26 of 12 February 1940, article 1.
6 By Provisional Act No. 37 of 19 March 1952 (Stjórnartidindi, 1952, A 2.)
shelf of Iceland; wherein all fisheries shall be subject to Icelandic rules and control; Provided that the conservation measures now in effect shall in no way be reduced. The Ministry shall further issue the necessary regulations for the protection of the fishing grounds within the said zones. The Fiskifélag Islands (Fishing Society) and the Atvinnudeild Háskóla Islands (University of Iceland Industrial Research Laboratories) shall be consulted prior to the promulgation of the said regulations.

The regulations shall be revised in the light of scientific research.

Article 2. The regulations promulgated under article 1 of the present law shall be enforced only to the extent compatible with agreements with other countries to which Iceland is or may become a party.

Article 4. The Ministry of Fisheries shall, to the extent practicable, participate in international scientific research in the interest of fisheries conservation.

Reasons for the law of 5 April 1948 (submitted to the Icelandic Parliament): It is well known that the economy of Iceland depends almost entirely on fishing in the vicinity of its coasts. For this reason, the population of Iceland has followed the progressive impoverishment of fishing grounds with anxiety. Formerly, when fishing equipment was far less efficient than it is today, the question appeared in a different light, and the right of providing for exclusive rights of fishing by Iceland itself in the vicinity of her coasts extended much further than is admitted by the practice generally adopted since 1900. It seems obvious, however, that measures to protect fisheries ought to be extended in proportion to the growing efficiency of fishing equipment.

Most coastal States which engage in fishing have long recognized the need to take positive steps to prevent over-exploitation resulting in a complete exhaustion of fishing grounds. Nevertheless, there is no agreement on the manner in which such steps should be taken. The States concerned may be divided into two categories. On the one hand, there are the countries whose interest in fishing in the vicinity of foreign coasts is greater than their interest in fishing in the vicinity of their own coasts. While recognizing that it is impossible not to take steps to mitigate the total exhaustion of fishing grounds, these States are nevertheless generally of opinion that unilateral regulations by littoral States must be limited as far as possible. They have also insisted vigorously that such measures can only be taken by virtue of international agreements.

On the other hand, there are the countries which engage in fishing mainly in the vicinity of their own coasts. The latter have recognized to a growing extent that the responsibility of ensuring the protection of fishing grounds in accordance with the findings of scientific research is, above all, that of the littoral State. For this reason, several countries belonging to the latter category have, each for its own purposes, made legislative provision to this end the more so as international negotiations undertaken with a view to settling these matters have not been crowned with success, except in the rather rare cases where neighbouring nations were concerned with the defence of common interests. There is no doubt that measures of protection and prohibition can be taken better and more naturally by means
of international agreements in relation to the open sea, i.e., in relation to the great oceans. But different considerations apply to waters in the vicinity of coasts.

In so far as the sovereignty of States over fishing grounds is concerned, two methods have been adopted. Certain States have proceeded to a determination of their territorial waters, especially for fishing purposes. Others, on the other hand, have left the question of the territorial waters in abeyance and have contented themselves with asserting their exclusive right over fisheries, independently of territorial waters. Of these two methods, the second seems to be the more natural, having regard to the fact that certain considerations arising from the concept of "territorial waters" have no bearing upon the question of an exclusive right to fishing, and that there are therefore serious drawbacks in considering the two questions together.

When States established their sovereignty over fishing zones in the vicinity of their coasts they adopted greatly varying limits; in the majority of cases, they adopted a specified number of nautical miles: three miles, four miles, six miles or twelve kilometres, etc. It would appear, however, to be more natural to follow the example of those States which have determined the limit of their fisheries jurisdiction in accordance with the contour of the continental shelf along their coasts. The continental shelf of Iceland is very clearly distinguishable, and it is therefore natural to take it as a basis. This is the reason why this solution has been adopted in the present draft law.

**Commentary on article 1.** Two kinds of provisions are concerned: on the one hand, the delimitation of the waters within which the measures of protection and prohibition of fishing should be applied, i.e., the waters which are deemed not to extend beyond the continental shelf; and, on the other hand, the measures of protection and prohibition of fishing which should be applied within these waters. In so far as the enactment of measures to assure the protection of stocks of fish is concerned, the views of marine biologists will have to be taken into consideration, not only as regards fishing grounds and methods of fishing, but also as regards the Seasons during which fishing shall be open, and the quantities of fish which may be caught.

At present, the limit of the continental shelf may be considered as being established precisely at a depth of 100 fathoms. It will, however, be necessary to carry out the most careful investigations in order to establish whether this limit should be determined at a different depth.

**Commentary on article 2.** The provisions of this article have a bearing upon the following agreements: the Agreement between Denmark and the United Kingdom, of 24 June 1901, and the International Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, of 23 March 1937. Should the provisions contained in this draft law appear to be incompatible with these agreements, they would not, of course, be applied against the States signatories to the said agreements, as long as these agreements remain in force.

**Commentary on article 4.** On 17 August 1946, the International Council for the Exploration of the Sea recommended that measures be taken to prohibit fishing in the Faxafloi. It goes without saying that Iceland will
take part, to the fullest possible extent, in any initiative of this kind in relation to her own coast as well as others. She has already given proof of her interest in these problems, in particular by taking part in international oceanographic research.

(f) Regulations of 19 March 1952 concerning conservation of fisheries off the Icelandic coasts

Article 1. All trawling and Danish seine-netting is prohibited off the Icelandic coasts inside a line which is drawn four nautical miles from the outermost points of the coasts, islands and rocks and across the opening of bays.

The line shall be drawn by drawing straight base lines between the following points, and then a parallel line four nautical miles seawards:

1. Horn .................................. 66°27′4 N., 22°24′5 W.
2. Irabooi .................................. 66°19′8 N., 22°06′5 W.
3. Drangaker .................................. 66°14′3 N., 21°48′6 W.
4. Selsker .................................. 66°07′3 N., 21°31′2 W.
5. Asbúarí .................................. 66°08′1 N., 20°11′2 W.
6. Siglunes .................................. 66°11′9 N., 18°50′1 W.
7. Flatey .................................. 66°10′3 N., 17°50′5 W.
8. Lágey .................................. 66°17′8 N., 17°07′0 W.
9. Rauoinúpur .................................. 66°30′7 N., 16°32′5 W.
10. Rístangi .................................. 66°32′3 N., 16°11′9 W.
11. Hraunhafhartangi .................................. 66°32′3 N., 16°01′6 W.
12. Langanes .................................. 66°22′6 N., 14°32′0 W.
13. Skálaitóarshker .................................. 65°59′7 N., 14°37′5 W.
14. Bjarnarey .................................. 65°47′1 N., 14°18′3 W.
15. Almenningsfles .................................. 65°33′1 N., 13°40′6 W.
16. Glettinganes .................................. 65°30′6 N., 13°36′4 W.
17. Norofjaroarhorn .................................. 65°10′0 N., 13°31′0 W.
18. Gerpir .................................. 65°04′7 N., 13°29′8 W.
19. Hólmur .................................. 64°38′9 N., 13°30′7 W.
20. Setusker .................................. 64°37′7 N., 13°31′6 W.
21. Pursasker .................................. 64°34′1 N., 13°36′9 W.
22. Yztibooi .................................. 64°35′2 N., 14°01′6 W.
23. Selsker .................................. 64°32′8 N., 14°07′1 W.
24. Hvittingar .................................. 64°23′8 N., 14°28′1 W.
25. Stokksnes .................................. 64°14′1 N., 14°58′5 W.
26. Hrollaugseyjar .................................. 64°01′7 N., 15°58′8 W.
27. Tvísker .................................. 63°55′6 N., 16°11′4 W.
28. Ingöfshöfoi .................................. 63°47′8 N., 16°38′6 W.
29. Hvalsíki .................................. 63°44′1 N., 17°33′7 W.
30. Meoalandssandur I .................................. 63°32′4 N., 17°56′0 W.
31. Meoalandssandur II .................................. 63°30′6 N., 18°00′0 W.
32. Myrnatangi .................................. 63°27′4 N., 18°12′0 W.
33. Költutangi .................................. 63°23′4 N., 18°43′0 W.
34. Lundadrangur .................................. 63°23′5 N., 19°07′6 W.

1 Text of Regulations provided by the Ministry for Foreign Affairs of Iceland.
35. Geirfuglasker ................................ 63°19’0 N., 20°30’1 W.
36. Einídrangur .............................. 63°27’4 N., 20°37’2 W.
37. Selvogur ................................ 63°49’2 N., 21°39’4 W.
38. Höpsnes ................................ 63°49’3 N., 22°24’6 W.
39. Eldeyjarðrangur ......................... 63°43’8 N., 22°59’6 W.
40. Gáluvíkurangi ........................... 64°44’9 N., 23°55’2 W.
41. Hraunvörð ................................ 64°49’6 N., 24°01’0 W.
42. Skálasnagi ............................... 64°51’2 N., 24°02’7 W.
43. Bjargtangar .............................. 65°30’2 N., 24°32’3 W.
44. Köpanes ................................ 65°48’3 N., 24°06’3 W.
45. Bardí ...................................... 66°03’7 N., 23°47’6 W.
46. Straumnes ................................ 66°25’7 N., 23°08’5 W.
47. Kógu ................................. 66°28’3 N., 22°55’8 W.
48. Horn ...................................... 66°27’9 N., 22°28’5 W.

Also, a four-mile zone shall be drawn around the following:
49. Kolbeinsey ............................... 67°07’5 N., 18°36’0 W.
50. Hvalsbakur .............................. 64°35’8 N., 13°16’7 W.
51. Geirfugladrangur ...................... 63°40’6 N., 23°17’3 W.

Finally, a four-mile zone shall be drawn from the outermost points and rocks of the island of Grimsey (see map, p. 35).

Article 2. In the area defined in article 1 any other foreign fishing activities shall be prohibited in accordance with the provisions of Law No. 33 of 19 June 1922 concerning fishing in territorial waters.

Article 6. These regulations supersede regulations No. 56 of 22 April 1950, concerning the conservation of fisheries off the north coast.

India

INDIAN FISHERIES ACT, 1897, AS AMENDED 1

4. Destruction of fish by explosives in inland waters and on coasts. (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word “water” includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

5. Destruction of fish by poisoning of waters. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) The [State Government] may, by notification in the Official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6. Protection of fish in selected waters by rules of State Government. (1) The [State Government] may make rules for the purposes hereinafter in this section mentioned, and may by notification in the Official Gazette apply all or any of such rules to such waters, not being private waters, as the [State Government] may specify in the said notification.

Israel

(a) Fisheries Ordinance, 1937

2. In this Ordinance, unless the context otherwise requires —
“Fish” means any aquatic animal whether piscine or not and includes sponges, shell fish, crustaceans, turtles and aquatic mammals.
“Taking fish” includes any lawful method of catching fish.
“Palestine” includes that part of the sea adjacent to the coast thereof which is within three nautical miles measured from low water mark.
“Licensing authority” means any authority which has power to grant licences or permits under this Ordinance.
“Fishery officer” means any officer upon the establishment of the Fisheries Service of Palestine.

3. (1) The High Commissioner or any officer duly authorised by him may grant to suitable persons licences to take fish, or any named species of fish, in Palestine:
Provided that
(a) Subject to the provisions of sub-section (2) hereof, the High Commissioner or any officer duly authorised by him shall not grant a licence to take fish in Palestine to any person operating or manning any fishing vessel registered in any port or place not being a Palestinian port or place;
(b) The High Commissioner may, at his discretion and subject to such conditions as he may think fit, grant to suitable persons licences to take fish, or any named species of fish, exclusively in such part of Palestine as may be specified in any such licence.
(2) The High Commissioner may, if in his opinion the particular circumstances of the case make it expedient so to do, grant at his discretion and subject to such conditions as he may think fit, a special licence of any of the kinds indicated in sub-section (1) hereof to any person operating or manning any fishing vessel registered in any port or place not being a Palestinian port or place.
(3) A licence to take fish in Palestine granted under this Ordinance other than a licence to take fish exclusively in any part of Palestine or a special licence granted under sub-section (2) hereof, shall not be available for a longer period than one year. It shall, subject as provided in proviso (a) to sub-section (4) hereof, be personal to the person to whom it is issued and it shall not be transferable.

2 See supra, Chapter I, under Israel (a).
(4) No person shall take fish in Palestine, unless he is the holder of a licence to take fish in Palestine granted under this Ordinance:

Provided that

(a) Any person who takes fish with a line from the shore, and any person whose name is endorsed on a licence granted to a company or co-operative society or on a licence to take fish exclusively in any part of Palestine or on a special licence granted under sub-section (2) hereof shall not be required to obtain such licence;

(b) Nothing herein contained shall be deemed to enable either any person to whom a licence to take fish in Palestine has been granted under this Ordinance, or any person who takes fish with a line from the shore, to take fish in any area in respect of which an exclusive licence has been granted to some other person by the High Commissioner.

4. (1) The High Commissioner or any officer duly authorised by him may grant to suitable persons operating or manning any fishing vessel registered in a port or place not being a Palestinian port or place, a permit to land fish in Palestine:

Provided that the High Commissioner or any officer duly authorised by him shall not grant to any person being the master of any such vessel a permit to land fish in Palestine, before he on behalf of the owner shall have agreed in writing to conform to the rules in force for Palestinian vessels in respect of the minimum size of mesh in the nets in use, and of the minimum lengths of the fishes permitted to be landed.

(2) A permit to land fish in Palestine shall not be available for a longer period than one year. It shall be personal to the person to whom it is issued and shall not be transferable.

5. No person shall take or destroy or attempt to take or destroy any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter.

6. Any Fishery Officer, Police Officer, Customs Officer or any other officer of the Palestine Government empowered in that behalf by the High Commissioner, may for the purpose of enforcing the provisions of this Ordinance:

(a) Require any person engaged in fishing to exhibit his licence, permit, apparatus or catch;

(b) Go on board any vessel reasonably believed to be engaged in fishing and search and examine any fish or fishing apparatus therein;

(c) Where there is reasonable suspicion that any offence has been committed, take the alleged offender, the boat, apparatus, and catch, without summons, warrant or other process to the nearest or most convenient police station or port, and seize the boat and apparatus pending trial and sell the catch and impound the proceeds of sale;

(d) Demand from any person in possession of any fish, information regarding the source of his supply;

(e) Seize any fish which has been or is reasonably suspected of having been taken by the use of dynamite or other explosive substance or by any noxious or poisonous matter.

7. A licence or permit granted under this Ordinance may be cancelled by a licensing authority upon the conviction of the holder for any contravention of the terms of such licence or permit or for any breach of this Ordinance or of any rules made thereunder.
8. The Court may order the confiscation of any boat, apparatus or catch employed in the commission of or derived from any act proved to be an offence under this Ordinance or any rules made thereunder. Any boat, apparatus, or catch so confiscated shall be sold and the proceeds thereof shall be credited to general revenue.

9. The High Commissioner may make, and when made, may vary or revoke rules:

(a) Prohibiting any practices or methods, or employment of equipment or devices or materials which are likely to be injurious to the maintenance and development of a stock of fish;

(b) Prescribing areas and seasons within which the taking or landing of fish is prohibited or restricted, either entirely or with reference to any named species;

(c) Prescribing limits to the size of fish of named species which may be taken;

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish in Palestine or in any specified part thereof;

(e) Regulating the persons by whom licences and permits are to be granted and the procedure relating to the issue of and the cancellation of licences and permits and prescribing the forms of applications and licences and permits and the conditions to be attached to licences and permits;

(f) Prescribing the fees to be charged upon the issue of licences and permits;

(g) Regulating any other matter relating to the conservation, protection, and maintenance of a stock of fish which may be deemed requisite.

(2) Where any fishing vessel not being a fishing vessel registered in a Palestinian port or place is found fishing within the territorial waters of Palestine otherwise than under a special licence granted by the High Commissioner under section 3(2) of this Ordinance, the master, and if proved to have been privy to the offence, the owner, of such vessel shall be guilty of an offence and shall on conviction be liable:

(a) To a fine not exceeding five hundred pounds, jointly and severally in cases where the master and owner are both liable, or

(b) To imprisonment for a period not exceeding six months, or

(c) To both such penalties,

and in addition the fishing apparatus employed by such vessel may be confiscated or destroyed by order of the Court.

3. (1) The Chief Fisheries Officer, or any Fishery Officer duly authorised by him, shall have power to grant to the master, or to the representative of the owner, of any foreign fishing vessel a permit to land fish in Palestine subject to the said master or representative complying with the provisions

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2 Ibid., p. 526.
laid down in section 4 (1) of the Ordinance, and signing a declaration in
the form set out in the Schedule IV to these rules.

4. (1) Fishing by any form of trawl net, whether beam or otter trawl,
or by two vessels working in conjunction, is prohibited in the territorial
waters of Palestine except to officers of the Fisheries Service when engaged
in an investigation or an experiment.

(2) The use of the Lampara net when employed in conjunction with
lights is prohibited within the territorial waters of Palestine.

(3) It is prohibited to use any net other than cast net (Shabakat Tarh)
for the purpose of taking fish in the estuary of any river or in the sea within
100 metres of its mouth.

(4) No fixed net, barrier of matting, line of traps or other device of a
nature intended or likely to stop the normal migration of fish to or from
any pond, lake, river or estuary may be erected or employed except by
special permission of the High Commissioner.

(5) The employment of chains, wire ropes and similar devices for the
purpose of driving fish, and the beating of the water with oars or paddles
throwing stones and shouting, or any other methods of frightening fish into
nets or traps, are prohibited.

7. Fish may not be landed for sale on the Mediterranean coast except
at Zeeb, Acre, Haifa, Tantoura, Jaffa, Tel Aviv, Joura or Gaza, and then
only at such places as the Chief Fisheries Officer shall appoint.

8. (1) No fishing by line, net, trap or any other means shall take place
within the area of water enclosed by the main and lee breakwaters at Haifa
or from those breakwaters. Provided that the Chief Fisheries Officer and
the Port Manager, Haifa, may, jointly and at their discretion, grant to
suitable persons special permits permitting such persons to fish with a line
from the said main breakwater between the hours of sunrise and sunset.

(2) No fishing by line, net, trap or any other means shall take place
within the area of water enclosed by the sea wall and the reef of rock imme-
diately to the north of this wall at Jaffa, or from the sea wall and reef
themselves,

9. Any person contravening or failing to comply with any of the provi-
sions of these rules shall be guilty of an offence and shall be punishable upon
conviction in the manner provided in the Ordinance.

Italy

DECREES NO. 1107 OF 26 SEPTEMBER 1912

Article 1. No ship, boat, fishing vessel or other craft driven by steam
or equipped with an auxiliary engine in addition to sail may engage in
fishing in the territorial sea unless and until:

by the Secretariat of the United Nations.
(a) The Ministry of Agriculture, after consultation with the Standing Committee on Fisheries, issues to the beneficial owner or manager of the said means of navigation or to the fisherman or fishing company concerned the provisional permit which may be delivered only to Italian citizens; and

(b) The said Ministry specifies, in each individual case, the authorized area of operation, the distance from the coast, the scheduled times, the kind and dimensions of the fishing gear, the meshes of the nets, the manner in which the "fishing log" is to be kept, and all other pertinent regulations.

The above provisions shall not prejudice in any way the application of any currently effective international agreements on fishing.

Article 2. Any person who, not being only authorized, engages in fishing with craft as described in article 1 within a zone extending not more than seven nautical miles to seaward from the coast, or who proposes to engage in fishing as aforesaid beyond the said zone and fails to give prior notice on each occasion to the maritime authority (which shall in turn notify the Ministry of Agriculture), or who violates a directive of the Ministry issued in pursuance article 1 (b) of this Decree, shall be liable to the penalties specified in articles 90 and 96 of the Maritime Fishing Regulations enacted by Royal Decree No. 1090 of 13 November 1882.

Note. See also: Navigation Code of 30 March 1942, articles 219-221 (supra, Chapter II, Section A, under Italy (a)).

Jordan

Fisheries Act No. 25 of 2 December 1943

Article 2. In this Act, unless the context otherwise requires:

"Transjordan" includes that part of the sea which is contiguous to the coast of Transjordan and lies within a distance of three nautical miles from the low-water line.

Article 4. No one shall be permitted to engage in fishing unless he has obtained a fishing licence. A fee of 100 mills shall be charged for the issue of such licence in respect of each financial year.

Article 8. Any judicial, police or customs officer, and any other officer empowered thereto by the Prime Minister may, for the purpose of enforcing the provisions of this Act:

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(a) Go on board and search any vessel or boat believed to be engaged in fishing and examine any fish or fishing implements therein.

(b) Where there are reasonable grounds for suspecting that an offence has been committed, take the alleged offender, the vessel or boat, the fishing implements and the catch without summons or warrant, to the most convenient police station or port, detain such vessel or boat and such fishing implements pending trial, sell the catch and impound the proceeds of the sale.

Korea

Fishery Resources Conservation Law No. 298 promulgated
12 December 1954

Article 1. The seas lying between the coasts of the peninsular and insular territories of Korea and line of demarcation made from the continuity of the lines mentioned hereunder are hereby defined as the jurisdictional water for the conservation of the fishery resources (hereinafter referred to as the jurisdictional water).

a. Line from the highest peak of U-Am-Ryung, Kyung-Hung-Kun, Ham-Kyung-Pukdo to the point of 42°15'N – 130°45'E.

b. Line from the point of 45°15'N – 130°45'E to the point of 38°00'N – 132°50'E.

c. Line from the point of 38°00'N – 132°50'E to the point of 35°00'N – 130°00'E.

d. Line from the point of 35°00'N – 130°00'E to the point of 34°40'N – 129°10'E.

e. Line from the point of 34°40'N – 129°10'E to the point of 32°00'N – 127°00'E.

f. Line from the point of 32°00'N – 127°00'E to the point of 31°40'N – 124°00'E.

g. Line from the point of 31°40'N – 124°00'E to the point of 39°45'N – 124°00'E.

h. Line from the point of 39°45'N – 124°00'E to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chun-Kun, Pyung-An-Pukdo.

i. Line from the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian border line.

Article 2. Any person who desires to engage in fishing in the jurisdictional water is required to obtain a permission from the Competent Minister.

Article 3. Any person who violated the preceding Article shall be punished by a penal servitude or an imprisonment not exceeding three years, or by a fine not exceeding five hundred thousand Hwan, and any fishing vessel, equipment, catch, and cultured and manufactured product which are owned or possessed by such person shall be confiscated.

Article 4. In the search for the offence provided in the preceding article, the officers and sailors aboard Naval vessels, and other officials determined

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1 Text of Law provided by the Permanent Observer of the Republic of Korea to the United Nations.
by Presidential Decree may carry out the functions of the judicial police officers.

In conducting the search provided in the preceding paragraph, they may, if necessary, bring home any vessel which violated the provisions of this Law.

If a vessel excites suspicion of violating Article 2, they may halt, visit, search and make any other necessary disposition of a vessel, even if such a vessel is only a vessel in transit.

**Supplementary Regulations**

A permission, license or notice in force on 19 February 1952 shall be regarded as if it were obtained in accordance with this Law.

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Liban

(a) **Arrêté N° 1104 du 14 novembre 1921 relatif à la police de la pêche maritime**

*Article 1er.* La mer territoriale pour la zone des côtes des pays syriens et libanais sous mandat français s'étend, au point de vue de la pêche, à 6 milles marins de la côte ou des îles.

*Article 5.* La pêche est interdite dans l'intérieur des ports et bassins à l'exception de la pêche à la ligne armée de deux harengons au plus.

*Article 6.* Il est défendu de jeter dans les eaux de la mer, le long des côtes et dans les ports où la pêche est réputée maritime, toutes matières susceptibles d'infecter les eaux, d'affecter, d'enivrer ou d'empoisonner le poisson.

La même interdiction s'applique aux usines placées sur le littoral pour l'évacuation des résidus qui ne peuvent être jetés à la mer que dans les conditions de l'autorisation qui devra être demandée.

(b) **Arrêté N° 3178 du 18 juin 1930 sur la circulation dans les eaux territoriales des bâtiments de pêche autres que ceux des États du Levant sous mandat français**

*Article 1er.* Définitions. Dans le présent arrêté: l'expression « engins de pêche » désigne tout engin utilisé pour la capture des poissons ou pour la pêche des éponges comme la drague « gangava », les appareils Fernez et scaphandre.

Les « eaux territoriales » sont celles définies à l'article 1er de l'arrêté 1104 du 14 novembre 1921 du Haut-Commissaire.

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² Texte fourni par le Ministère des affaires étrangères de la République libanaise.
Article 2. Indépendamment des prescriptions générales qui pourront être édictées relativement à la circulation dans les eaux territoriales des Etats du Levant sous mandat français, tout navire autre que ceux de ces Etats, à voile ou à vapeur, muni d'engins de pêche et circulant dans ces eaux doit, sous les peines prévues à l'article 3 ci-après:

a) Porter extérieurement sur sa coque, de chaque bord et à l'arrière, ses nom ou numéro matricule et port d'attache. Les lettres et chiffres doivent être de dimensions suffisantes pour permettre facilement l'identification du navire. Ils ne devront en aucun cas être couverts, effacés ou altérés.

b) Être muni de pièces officielles délivrées par les autorités qualifiées du pays auquel il appartient pour permettre de justifier sa nationalité ainsi que ses marques extérieures et indiquer, en outre, les noms des propriétaires, capitaine, ou patron. Ces pièces seront exhibées à la première réquisition des autorités chargées de la police de la pêche.

c) Pendant le séjour dans les eaux territoriales, arborer en tête de mât un pavillon bleu ayant, au moins, 0 m,65 de guindant et 0 m,97 de battant. De nuit, porter les feux qui sont réglementaires à bord des navires des Etats du Levant sous mandat français.

Article 3. Tout contrevenant aux prescriptions du présent arrêté sera puni d'une amende de cinq à cent livres libano-syriennes et d'un emprisonnement de deux à dix jours ou de l'une de ces deux peines seulement.

Libya

(a) Royal Legislative Decree No. 1764 of 12 April 1937 to Approve the Regulations Governing Sponge-Fishing in the Waters of Libya and of the Italian Islands in the Aegean

Chapter I

General Provisions

Article 1. Sponge-fishing in the sponge-bearing seaweed beds of the waters of Libya and the Possession of the Italian Islands in the Aegean shall be governed by the provisions of these regulations. The fishing areas shall be delimited in each of the said territories by order of the Government of the territory in question.

In the said sponge-bearing seaweed beds fishing is in principle reserved to fishing vessels, fishing boats and craft in general which are entered on the rolls and registers of the Kingdom, the Possession of the Italian Islands in the Aegean or the Italian Colonies: foreign vessels may, however, be admitted under existing treaty arrangements, and in such cases they shall, save as otherwise expressly provided, be subject to the provisions of the present regulations.

Article 2. As used in these regulations, the term “diver” means a person who goes under water in a diving suit or Feernez apparatus. As used in these

1 Bollettino Ufficiale della Libia, No. 48 of 21 Nov. 1937, pp. 1643 et seq. Text of decree provided by the Ministry of Foreign Affairs of Libya. Translation by the Secretariat of the United Nations.
regulations, the term "fishing unit" means a vessel or craft, other than a depot ship, designed for sponge-fishing.

Article 3. An unrestricted fishing area is established for Tripolitania and Cyrenaica. It is bounded to the North, to seaward, by the parallel of latitude passing through Buerat El Hsun (31°24'00"N) and to the East by the meridian of longitude passing through El Agheila (19°13'00" East of Greenwich).

Article 4. Entry into the unrestricted area referred to in article 3 shall be permissible whenever a fishing unit is obliged, for the purpose of obtaining fresh supplies, or for reasons of force majeure, to penetrate beyond the limits laid down in the fishing permit.

Article 5. In the case provided for in the preceding article, the persons in command of the fishing unit must present themselves before the maritime authority of Sirte or Buerat and satisfy the said authority of the effective necessity, in the circumstances, to penetrate beyond the limits laid down in the fishing permit.

When the circumstances which made it necessary to penetrate beyond the said limits have ceased to exist, and upon the cessation of any reasons of force majeure which supervened during the vessel's stay in the unrestricted area, the fishing unit must return to its own area within a period not exceeding ten days, during which time it may engage in fishing in the unrestricted area.

Article 7. With the resources to be placed at their disposal by the respective Governments, the maritime authorities of Libya and the Possession of the Italian Islands in the Aegean shall institute a fishing areas inspection service to ensure that provisions of these regulations are carried out.

(b) Royal Decree No. 1402 of 9 January 1939 — Ordinance concerning the conduct of fishing in Libya

SOLE ARTICLE

The attached ordinance concerning the conduct of fishing in Libya, which has been countersigned by Our order by the proposing Minister, is hereby approved.

ORDINANCE CONCERNING FISHING IN LIBYA

CHAPTER I

General Provisions

Article 1. For the purposes of these provisions, the expression "maritime fishing" includes fishing in Libya in waters of the public domain which

1 Bollettino Ufficiale della Libia, No. 45 of 11 October 1939, pp. 1657 et seq. Translation by the Secretariat of the United Nations.
at any time of the year freely empty into the sea if such fishing takes place to seaward of the point at which the fresh water and the salt water first commingle.

The expression "fishing in internal waters" includes fishing in water courses upstream from the point at which the fresh water and the salt water first commingle, and in pools and lagoons which do not empty into the sea.

Article 2. The maritime authorities of Libya, with the assistance of the personnel of the Royal Marine, the Royal Air Force, the Royal Customs and the police force, shall be responsible for supervising fishing and for investigating any case in which these provisions may have been violated.

Article 5. Persons whose names appear in the seamen's list or register of the Italian Colonies and Possessions, or of the Kingdom of Italy, may engage in fishing in Libyan waters.

Aliens may be authorized to engage in fishing by virtue of treaties in force or, in the absence of treaties, by special permission of the Governor-General of Libya.

Article 6. Foreign vessels which are authorized to engage in fishing in Libyan waters are required to comply with these regulations, except as otherwise specified in special provisions contained in international treaties or conventions.

Article 7. The maritime authorities, personnel of the Royal Marine and, in general all agents responsible for the supervision of maritime fishing shall have authority to board fishing vessels or boats for the purpose of determining whether any violation of these provisions has occurred.

Article 9. Maritime fishing is classified into "restricted fishing" and "unrestricted fishing". The expression "restricted fishing" means fishing carried on in Libyan waters at a distance of not more than six miles from the coast; and the expression "unrestricted fishing" means fishing on the high seas or in foreign waters.

Licences for maritime fishing shall be issued, after consultation with the Director of the Fisheries Observatory at Tripoli, by the maritime authority referred to in article 518 of the regulations enacted to give effect to the Libyan Merchant Shipping Code, approved by Royal Decree No. 1062 of 3 September 1914.

Licences for fishing in internal waters of Libya shall be issued by the Provincial Commissioners subject to consultation with the aforesaid Director.

Article 16. It shall be unlawful to fish:

(1) In a zone of the sea or in a salt-water pool which is utilized directly by the State or by the holder of a concession, with the further proviso that in the waters comprised within a zone of 200 metres to seaward from, and 200 metres across, the mouth of a channel which links a salt-water pool with the sea, fishing is prohibited at all times;

(2) In zones reserved to or used for tunny fishing or sedentary fisheries of any kind;

(3) Within the confines of any port, unless fishing is expressly permitted by the maritime authority;
(4) In zones which, for the purpose of the conservation of aquatic resources, are subject to special prohibitions established by these provisions or by regulations made by the Minister for Italian Africa or the Governor-General;

(5) In zones declared by the maritime authority to be military zones, and in places where there are submarine cables.

Article 20. With a view to the conservation of the living resources of the sea and in the light of information pertaining thereto furnished by the Office of the Director of the Fisheries Observatory, or for economic or maritime policing considerations, a maritime authority may, subject to prior authorization from the Governor-General, direct that fishing shall be carried on in rotation, or prohibit fishing in specified zones, for specified periods of the year, or by specified methods.

(c) Proclamation No. 178 of 14 May 1943

Article 1. The Port Manager may admit by licence vessels not registered in Tripolitania to sponge fishing in the Tripolitania water subject to any conditions which he may deem necessary.

Maroc

(a) Règlement du 31 mars 1919 sur la pêche maritime, modifié par le dahir du 15 juin 1924.

Titre Premier

Dispositions générales

Article 2. La mer territoriale, pour la zone française de Notre Empire, s'étend, au point de vue de la pêche, à 6 milles marins à partir de la laisse de basse mer.

Pour les baies, le rayon de 5 milles est mesuré à partir d'une ligne droite, tirée en travers de la baie dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas 12 milles. Des arrêtés de Notre Grand Vizir fixeront, pour les quartiers maritimes de la zone française de l'Empire chérifien, la ligne à partir de laquelle la limite sera comptée.

Article 5. La pêche en mer territoriale est assujettie au paiement d'une licence donnant le droit de pêcher en bateau, pendant une année, dans les eaux littorales de la zone française de l'Empire chérifien.

1 Text of Proclamation provided by the Ministry of Foreign Affairs of Libya.
Titre II

Interdiction de pêche — règles générales sur l’exercice de la pêche maritime

Article 8. La pêche est interdite:

a) Sur les parties du littoral, des étangs, des fleuves, rivières ou canaux qui font l’objet d’exploitation par l’État ou de concessions régulièrement autorisées. Les conditions de l’interdiction sont portées à la connaissance du public par voie d’affiche;

b) Dans la zone de protection accordée par l’arrêté de concessions à certains établissements de pêche, comme les madragues, sous la réserve que les zones interdites seront signalées à la navigation par des marques apparaentes;

c) Dans l’intérieur des ports et bassins, à l’exception de la pêche à la ligne armée de deux hameçons. Toutefois le directeur général des travaux publics peut autoriser certaines pêches spéciales dans les ports et bassins qui dépendent de son autorité.


(b) Dahir du 25 mars 1922 portant règlement sur l’exercice de la pêche en flotte dans les eaux territoriales du Maroc.

Article 1er. La mer territoriale, pour la zone française de l’Empire chérifien, s’étend, au point de vue de la pêche, à six milles marins à partir de la laisse de basse mer.

L’exercice du droit de pêche n’y est assujetti qu’au paiement d’une licence.

Article 19. Les autorités prévues à l’article 2 du présent dahir peuvent exiger de tout capitaine ou patron se trouvant dans les eaux territoriales chérifiennes la production de ses papiers justifiant sa nationalité et son identité.

Elles ne pouseront plus loin leurs investigations qu’en cas de suspicion légitime d’infractions au présent dahir.

Article 20. Ces mêmes autorités sont compétentes pour apprécier, dans l’étendue de la mer territoriale, les dommages qu’ont éprouvés les bateaux de pêche, par le fait ou la faute d’autres bateaux de pêche.

Si le cas leur paraît assez grave, les autorités ci-dessus indiquées auront le droit de conduire le bateau délinquant dans le port le plus voisin de la zone française du Maroc, pour être remis aux autorités françaises et jugé, s’il y a lieu, par le tribunal compétent le plus rapproché du point où l’infraction a été commise.

1 Ibid., t. III, p. 901.
Article 22. En cas de voies de fait, de coups et blessures ou de crimes commis par des pêcheurs dans l'étendue des eaux territoriales, les bateaux intéressés seront immédiatement conduits dans un port de la zone française du Maroc.

Article 23. Les délinquants sont remis aux autorités françaises pour être jugés comme il est dit à l'article 20 ci-dessus.

Article 24. Les autorités chargées de la surveillance de la pêche auront toujours le droit de prendre en remorque et d'expulser hors des eaux territoriales tout navire étranger ou français qui, dans les trois mois précédents, aurait commis quelque infraction ou quelque dommage et se serait soustrait aux mesures répressives ou de réparations.

S'il s'agissait d'un crime précédemment commis ou d'un délit contre les personnes, les délinquants rencontrés dans les eaux territoriales pourraient être appréhendés durant la période de temps prévue pour la prescription des délits et des crimes.

Netherlands

(a) Fisheries Act of 6 October 1908 1 2

CHAPTER I

General Provisions

Article 1. (1) For the purposes of this Act

(a) The term "sea fishing" means fishing in the sea, whether within or outside the territorial waters;

(b) The term "coastal fishing" means fishing in the inlets, the open harbours, the Dollart, including the Netherlands part of the Ems, the Lauwerzee, the Waddenzee, the Zuyder Zee and the rivers of South Holland and Zealand;

(c) The term "inland fishing" means fishing in the remaining waterways of the Kingdom to the point at which coastal fishing begins.

(2) For the purposes of this Act, the term "territorial waters" means the waters of the Kingdom as these are defined in articles II and III of the international Convention for regulating the Police of the North Sea Fisheries outside the Territorial Waters, 9 ratified by the Act of 15 June 1883 (Staatsblad No. 73).

(3) The line of demarcation between the waters referred to in paragraph 1 shall be determined, where necessary, by general administrative regulations.

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2 As amended by Acts Nos. 66 of 8 February 1912, 345 of 29 July 1916 and 1100 of 23 September 1921; Act No. 308 of 29 June 1925 to carry into effect a new Code of Criminal Procedure, and Act No. 276 of 9 July 1931. Promulgated by Decree No. 410 of 5 October 1931.

9 See infra, Second Part, Chapter I, Treaty No. 1.
CHAPTER II

Sea fishing

Article 10a. Provisions governing fishing in the territorial waters may be enacted by general administrative regulations.

(b) Act No. 135 of 26 October 1889, to prohibit fishing by members of the crews of foreign vessels within the territorial waters of the Kingdom, as amended.

Article 1. It shall be unlawful for a member of the crew of a foreign vessel to fish within the territorial waters of the Kingdom as these are defined in articles II and III of the international Convention for regulating the Police of the North Sea Fisheries outside the Territorial Waters, ratified by the Act of 15 June 1883 (Staatsblad No. 73).

Nothing in the foregoing provision shall be construed as derogating from the rights accorded to residents of the Kingdom of Belgium under the regulations made in pursuance of article 9 of the Treaty of 19 April 1839 (ibid. No. 26) respecting the exercise of the right to fish and to deal in fish, as embodied in the Royal Decree of 9 September 1843 (ibid. No. 45) and amended by the declaration contained in the Royal Decree of 20 April 1884 (ibid. No. 52).

Article 2. If in contravention of article 1 hereof any nets or other fishing gear are put out or hauled in, or any fishing takes place in any manner whatsoever from on board a foreign vessel within the territorial waters of the Kingdom as defined in the said article 1, the master of such vessel or his deputy shall be liable to a fine not exceeding 150 guilders.

The fishing gear with which the offence was committed may be confiscated. If at the time when the offence was committed less than two years had elapsed since a previous sentence imposed on the offender for a similar offence had become final, the fine may be increased by one-third.

The second, third, fourth, fifth and sixth paragraphs of article 23 of the Penal Code shall not be applicable in a case under this Act if the procedure laid down in the first paragraph of article 4 hereof is adopted.

Article 3. The detection of offences under this Act shall be the duty of the commanders of the vessels appointed by the Kingdom to supervise fishing and of the officials of the water patrol service, the water bailiffs (waterschouten) and the other officers of the State and communal police.

If an offender is discovered in flagrante delicto, the said officials shall seize the gear with which the offence was committed or assess its value.

If the official report on an offence is prepared by a commander as aforesaid, it shall be communicated without delay to the Minister of Marine, who shall transmit it to the proper authority.

1 Ibid., No. 45, p. 262.
2 By Act No. 308 of 29 June 1925.
3 Infra, Second Part, Chapter I, Treaty No. 1.
Article 4. If any person is discovered in the act of committing the offence described in article 2 hereof, the vessel from on board which nets or other fishing gear have been put out or hauled in, or fishing has taken place in some other manner, shall be brought, if possible by a vessel appointed by the Kingdom to supervise fishing, to the nearest or most convenient Netherlands harbour, unless the sum of 300 guilders, or an equivalent amount of foreign currency or banknotes, is deposited with the commander of the last-named vessel as security for any fines and costs which may become payable upon conviction of the offender, in addition, if the gear with which the offence was committed is not seized, then a sum equivalent to the value of the said gear must also be deposited.

If such deposit is made, the commander of the last-named vessel shall issue an acknowledgement of receipt of the same and shall direct the master of the foreign vessel or his deputy to remove himself and the vessel outside the territorial waters without delay, or, if he refuses to comply, shall forcibly oblige him to do so.

Article 5. Any vessel brought to a Netherlands harbour in pursuance of the first paragraph of article 4 hereof shall be held in the charge of the water bailiff or, where there is no water bailiff, of the burgomaster, together with its equipment and stores, if these have not been seized, until the security referred to in the said article and the sum representing the value of the fishing gear (if not seized) are deposited, against an acknowledgement of receipt, with the burgomaster or a Netherlands consul in the country in which the vessel's owners are established, or until proceedings are barred upon the death of the accused person, by expiry of the period of limitation or by virtue of article 74 of the Penal Code, or until the acquittal of the accused person, or his discharge upon the Court's finding that the prosecution has no case, has become absolute, or until the sentence ceases to be enforceable upon the death of the convicted person or until the sentence imposed has been served or is to be carried out in the manner defined in the following article and any costs awarded against the convicted person have been paid.

Article 6. Where the procedure laid down in article 4 hereof is adopted, no appeal against a judgement in absentia shall lie if two months have elapsed since the judgement became enforceable.

If two months have elapsed since the judicial decision became enforceable and the arrested vessel is still held under the foregoing article, so much of its equipment and stores shall as soon as possible be publicly sold by the official in whose charge the vessel has been placed as is necessary to cover the fine, confiscated articles and costs, whereupon the vessel with its remaining equipment and stores be placed at the disposal of the person entitled to receive them if necessary through the nearest consular agent of the country in which the vessel's owners are established.

Article 7. The security and the sum representing the value of the fishing gear, if such gear was not seized, deposited with the burgomaster or with the commander of the vessel appointed to supervise fishing, shall as soon as possible be paid in at the office of the registrar of deeds within the jurisdiction of the cantonal court which is to deal with the offence, and shall be returned when the case has been disposed of, after deduction of any fine incurred, the estimated value of any articles which have been
declared forfeit but not surrendered, and costs, through the diplomatic channel to the person who had made the deposit in question.

If the deposit sums were deposited with a consul, then these sums shall remain in his charge and he shall account for them when the case has been disposed of, to the person entitled to receive them, after deduction of any fine incurred, the estimated value of any articles declared forfeit but not surrendered, and costs.

**Article 8.** An offence punishable under this Act is classified as a contravention.

The cantonal court in the territorial jurisdiction of which the harbour to which the vessel was brought is situated shall be competent to deal with an offence under this Act.

If the vessel was not brought in, articles 3 and 5 of the Code of Criminal Procedure shall apply in a case under this Act.

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(c) **Decree of 26 July 1952, To Enact Regulations Governing Fishing in Territorial Waters (Territorial Waters Fishery Regulations)**

**Article 1.** This Decree is applicable to fishing in territorial waters.

**Article 2.** The terms used in this Decree have the meaning assigned to them in the Fisheries Act (*Staatsblad* 1931, 410), and:

(a) "Our Minister" means Our Minister responsible for giving effect to the Fisheries Act (*Staatsblad* 1931, 410);

(b) "natural bank" means any area not reserved for an exclusive purpose in which shellfish have been deposited by nature;

(c) "head of district" means the head of the Fishery Inspection Service in the first district.

**Article 3.** (1) For the purpose of the protection of shell fisheries, sections of territorial waters containing, or adjacent to, natural banks may be closed to fishing.

(2) It shall be unlawful to fish in the sections referred to in paragraph (1) during periods when they are closed to fishing; this provision shall not, however, apply in cases in which permission in writing has been obtained from the head of the district for this purpose.

(3) The closing and the reopening of the sections in question shall be effected by an order to be made by Our Minister and to be published in the *Nederlandse Staatscourant*.

**Article 4.** (1) For the purpose of promoting the propagation of shellfish, Our Minister shall have authority to close sections of territorial waters to public fishing and, subject to conditions to be laid down by him, to declare the same reserved temporarily for the propagation of shellfish exclusively.

(2) The closing and the reopening of a section as aforesaid to public fishing shall be effected by an order to be made by Our Minister and to be published in the *Nederlandse Staatscourant*.

**Article 5.** In an area reserved for the exclusive purpose aforesaid it shall be unlawful

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(a) To fish with a trawl or to gather shellfish during the time from half an hour after sunset to half an hour before sunrise;
(b) To fish with a trawl during a fog.

Article 6  (1) It shall be unlawful to carry any fishing tackle in an area reserved for the exclusive purpose aforesaid.
(2) This prohibition shall not apply in any case in which the person carrying fishing tackle can prove, when first requested to produce evidence of his authority, that he is authorized to fish in the area with such tackle.

Article 7. The master of a fishing vessel shall have to immediately on being ordered to do so by an official responsible for the investigation of offences punishable by or under the Fishery Act.
(3) Hailing, the hoisting or waving of a white flag or the flashing of a light signal shall have the force of such an order.

Article 8. Our Minister may, by an order to be published in the Nederlandse Staatscourant, temporarily set aside the provisions of this Decree, if owing to special circumstances this appears to be necessary in the interests of fishing.

Article 9. Contraventions of any provision of this Decree shall be punished by detention for a period not exceeding one month or a fine not exceeding 150 guilders.

Article 10. (1) The head of the district shall have authority to attach conditions to the permission in writing referred to in article 3, paragraph 2.
(2) Applicants may appeal to Our Minister in writing within fourteen days against the refusal or withdrawal of a permission by the head of the district or against a condition attached to such a permission Our Minister shall state the reasons for his ruling.
(3) A ruling given on appeal which revokes the decision appealed against shall take the place of the latter.

Surinam

Resolution No. 1429 of the Governor of Surinam of 21 March 1950 to give effect to Article 44, paragraph 2, of the Police Ordinance

A. To designate the undermentioned areas as the land and water areas in which, as from 1 July 1950, it shall not be lawful to fish and to take fish except by virtue of a permit issued by or on behalf of the Administrator of Finance, viz.

1. The territorial sea (to a distance of three nautical miles),
2. The navigable sections of rivers, which shall mean the sections downstream from the area of falls, and also the navigable tributaries, creeks, canals and river loops discharging into the said sections,
3. Areas and non-navigable creeks and other water areas belonging to the free domain,

2 Text in force contained in Gouvernementsblad, 1942, No. 152.
4. Land held under a tenancy, on lease, in usufruct or under some other personal title granted for purposes other than fishing and pisciculture, in any case in which the fishing or the taking of fish is carried on as a business.

Netherlands Antilles

Decree of the Governor of Curacao of 16 August 1898 Concerning Concessions for Shell-Fishing in the Waters of Curacao (Publicatieblad, 1898, No. 16)

Netherlands New Guinea

(a) General Regulations of 29 April 1927 for the Hunting of Whales within Three Nautical Miles of the Coasts of the Netherlands Indies, as Amended

Article 1. (1) Subject to the exception stated in article 2, no person shall be allowed to engage in whaling within three nautical miles (each equal to one sixtieth part of a degree of latitude) of the coasts of the Netherlands Indies unless a licence permitting him to do so has been issued by the Governor General.

(2) The distance of three nautical miles referred to in the preceding paragraph shall be reckoned from the low-water mark along the islands of the archipelago of the Netherlands Indies and from such rocks, reefs and shoals situated within that archipelago as are uncovered at low water. As far as bays, inlets and river-mouths are concerned, the said distance of three nautical miles shall be reckoned from a straight line drawn across the bay, inlet or river-mouth as near as possible to the entrance at the first point where the opening of the bay, inlet or river-mouth does not exceed ten nautical miles (each equal to one sixtieth part of a degree of latitude).

Article 2. The right of members of the indigenous population to hunt whales shall continue unaffected in so far as they have been accustomed from time immemorial to carry on such hunting.

Article 3. (1) The licence referred to in article 1 shall confer on the holder the right to engage, to the exclusion of other persons but subject to the exception stated in the preceding article, in the hunting of whales in a specified area of the sea for a specified term of years not exceeding fifty years.

(2) It may be issued to individuals, bodies corporate, registered or limited partnerships or shipping firms domiciled or established or duly represented in the Netherlands Indies.

(3) It shall be issued subject to such conditions as the Governor General considers advisable in each particular case. These conditions shall include provisions as to:

a. The number and type of vessels that may be used for the hunting of whales;

b. The nature of the hunting equipment to be used;


2 Ibid., 1940, No. 25.
c. The periods during which whales may not be hunted;
d. The payment to the State of an annual fee or of a sum for each whale
taken or each unit processed or the payment of both such a fee and such
sums.

Article 4. (1) Whales may be hunted only with vessels registered in the
Netherlands or the Netherlands Indies, unless the Governor General gives
permission in special cases for the use of other vessels.
(2) The processing and preparation for the market of whale-oil, guano
and other whaling products shall be carried on exclusively in one or more
installations to be constructed on land for this purpose by the licensee.

Article 10. (1) Any dispute concerning the fulfilment of the conditions
set forth in article 3, paragraph (2), shall be settled by the judge according
to a procedure to be more particularly prescribed by Ordinance.
(2) Until such time as the said Ordinance enters into force, any such
dispute shall be settled by the Governor General.

(b) GENERAL REGULATIONS GOVERNING PEARL, MOTHER-OF-PEARL, TRE-
PANG AND SPONGE FISHING WITHIN THREE ENGLISH NAUTICAL MILES OF
THE COASTS OF THE NETHERLANDS INDIES 1, AS AMENDED 2

Article 1. (1) Except as otherwise provided in article 2, paragraph 1,
pearl, mother-of-pearl, trepang and sponge fishing within three English
nautical miles of the coasts of the Netherlands Indies shall be lawful only
for persons thereto entitled by this Ordinance.
(2) In this Ordinance fishing for the marine products referred to in the
preceding paragraph means any act, by whatsoever means, apparatus or
appliance performed, the object of which is to take the said products from
the sea.
(3) The distance of three English nautical miles referred to in this
Ordinance shall be measured from the low-water mark of the coasts of the
islands belonging to the Netherlands Indies and from rocks, banks and reefs
not covered by the sea, or left uncovered at low water, the low-water mark
of which is not more than six English nautical miles from the nearest coastal
low-water mark.

Article 2. (1) The right of the indigenous population to fish for the
marine products specified in article 1 shall continue unaffected; in so far
as they have been accustomed from time immemorial to exercise that right,
the indigenous inhabitants shall be entitled to exercise the same, to the
exclusion of all other persons, in all places covered at low water by not
more than five fathoms (nine metres) of water.
(2) In this Ordinance the expression "indigenous population" includes the "orang laoet" who for some time have lived on or along the coasts.
(3) The fishing right of the indigenous population may not be assigned
or alienated.

1 Staatsblad van Nederlandsch-Indië (1916) No. 157. Translation by the Secre-
tariat of the United Nations.
2 Ibid., 1940, No. 25.
(4) The terms of the leases referred to in article 3 and of the licences referred to in article 7 shall state whether the places which at low water are covered by not more than five fathoms of water are or are not included in the lease or licence in question.

(5) In any orders relating to these matters scrupulous regard shall be had not only to the interests of the indigenous population of the province or territorial district to the sea area of which the particular fishing ground belongs, but also, where necessary, to the interests of the population of the neighbouring provinces and territorial districts and of such "orang laoet" as habitually fish in that fishing ground.

Article 3. (1) The right to fish for one or more of the marine products specified in article 1 within three English nautical miles of the coasts of:

(a) Java and Madura, the Lampong Districts, Benkulen, Sumatra West Coast, Achin and dependencies, Palembang, Banka and dependencies, Billiton, West Borneo, Amboina (except the former province of South New Guinea), Minahassa and the districts of Gorontalo and the Sangi and Talaur Islands (Menado), the Government Districts of the Residency of South and East Borneo and of the Government of Celebes and dependencies, the Government Territory of the Government of Sumatra East Coast and of the Riouw Residence and dependencies, Ternate and dependencies and Timor and dependencies, the Bali and Lombok Residency, and islands under the jurisdiction of those islands, provinces and parts of provinces;

(b) All other parts of the Netherlands Indies where no indigenous self-governing unit recognized by the Government is entitled under an order of the Governor-General to dispose of income derived from fishing for one or more of the marine products specified in article 1 shall be leased subject to the conditions laid down in this Ordinance and to such further conditions as may be prescribed by the Governor-General.

(2) So far as sponge fishing is concerned, the Director of Agriculture, Industry and Commerce may, on the expiry of a lease, direct that the area to which the lease applied shall not be leased again during such period as he may determine.

Article 4. (1) The Director of Agriculture, Industry and Commerce may, before the date on which an area is to be leased, declare the said area open to inspection by parties wishing to ascertain the value of the fishing grounds therein.

(2) Such inspection shall not be carried out without a permit issued in writing by the Chief of Provincial Administration subject to such conditions as he may consider necessary.

(3) A permit as aforesaid shall be issued to any interested party eligible for a lease under article 5.

(4) The permit shall remain in force until revoked but shall in any case expire on the day before the date of entry into force of the lease.

(5) The permit shall, subject to the conditions under which it is granted, entitle the holder to fish for the marine products therein specified in the area which is to be leased.

(6) A fee of 37.50 guilders (thirty-seven guilders and fifty cents) per month or per period of more than one-half month and per unit of diving equipment carried on the permit-holders' vessels shall be payable to the Territorial Treasury if the permit relates to pearl, mother-of-pearl and trepang, and a fee in an amount to be specified by the Director of Agricul-
ture, Industry and Commerce in each individual case shall be payable if
the permit relates to sponge fishing.
The said fee shall be payable monthly in advance.

Article 5. Only the following shall be eligible for a lease:
(a) Netherlands subjects;
(b) Inhabitants of the Netherlands or the Netherlands Indies;
(c) Partnerships and companies domiciled in the Netherlands or the
Netherlands Indies of which, in the case of a limited liability company, the
sole manager or director or, if there are two, both, or, if there are more than
two managers, the majority, and likewise the majority of the directors, and,
in the case of a partnership carrying on business under a single name or a
sleeping partnership, the sole managing partner or, if there are two, both,
or, if there are several managing partners, the majority, are Netherlands
subjects or inhabitants of the Netherlands Indies, such inhabitants being
resident in the Netherlands Indies or the Netherlands;
Provided that, if the person, partnership or company concerned is not
domiciled in the Netherlands Indies, he or it is properly represented there,
and that the person domiciled in the Netherlands Indies who acts as repre-
sentative in the Netherlands Indies of a person not domiciled in the Nether-
lands Indies, and the manager or representative, domiciled in the Nether-
lands Indies, of a partnership or company domiciled in the Netherlands
Indies or the Netherlands, must be authorized to reside in the province or
provinces to which the sea area to be fished belongs.

Article 7. (1) The competent Chief of Provincial Administration may,
subject to the provisions of article 2, paragraph (1), issue on behalf of the
Governor-General a licence to fish for one or more of the marine products
specified in article 1 within three English nautical miles of coasts of the
Netherlands Indies other than the coasts referred to in article 3.
(2) A licence as aforesaid shall not be issued unless the applicant person
or partnership or company fulfils the conditions set forth in article 5 and
the party concerned has concluded with the indigenous self-governing unit
an agreement, duly approved by the competent Chief of Provincial Admini-
stration, concerning the use of the fishing rights.
(3) The period of validity of the said licence shall be determined in
accordance with the agreement referred to in the preceding paragraph but
shall not exceed ten years in the case of pearl, mother-of-pearl and trepang
or such period as the Director of Agriculture, Industry and Commerce shall
determine in the case of sponge fishing; the said Director shall further
stipulate the period during which sponge fishing may be carried on uninter-
ruptedly in a particular area and the period thereafter during which such
area shall, on each occasion, be closed to fishing.
(4) A licence as aforesaid may be transferred to a third party with the
consent of the competent Chief of Provincial Administration provided
that the third party in question fulfils the conditions set forth in article 5.
(5) An appeal from decisions made by the Chief of Provincial Admini-
stration under this article shall lie to the Governor-General.
(6) If the licensee dies, his rights and obligations shall pass to his heirs
provided that they fulfil the conditions set forth in article 5 immediately
or within one year after the succession to the estate.
(7) In the absence of such heirs the licence shall lapse by operation of law.

Article 8. (1) Only Netherlands vessels, and vessels registered in the Netherlands Indies and indigenous vessels assimilated thereto, may be used for the fishing referred to in this Ordinance, except where the Governor-General in a special case permits other vessels to be used.
(2) No grapnel, trawl or any other device dragged along the sea bed may be used in sponge fishing.

Article 9. (1) If fishing for the marine products specified in article 1 is carried on within three English nautical miles from the coasts of the Netherlands Indies by a person who under this Ordinance is not entitled to do so, or is carried on at a place or with the aid of a vessel or a device not authorized by or in pursuance of this Ordinance, then the master or person acting as master of the vessel or of all the vessels used by or on behalf of a particular person, partnership or company to commit the offence shall, if he is a European or a person of like status, be punished by a fine of not more than 500 (five hundred) guilders or by imprisonment for a term not exceeding three months or, if he is an indigenous inhabitant or a person of like status, by a fine of not more than 100 (one hundred) guilders or by compulsory labour on public works, with board but without pay, for a term not exceeding three months.
(2) Objects used in the commission of the offence and any marine products taken in breach of the provisions of this Ordinance may be confiscated.
(3) The vessel or vessels used in the commission of the offence shall be liable for the payment of the fines imposed and the costs of the prosecution, and execution may be levied against the vessel or vessels in question.

Article 10. (1) If a vessel having on board pearl shell, mother-of-pearl shell, trepangs or sponges, or instruments or appliances for taking such marine products, is found within three English nautical miles from the coasts of the Netherlands Indies, the master or person acting as master shall be liable to the same penalty as is provided for in the first paragraph of article 9. The master or person acting as master shall not be liable if he proves:
(a) That he obtained the said marine products outside the said sea area, and did not use the instruments or appliances for fishing within that area;
(b) That he took the said marine products, instruments or appliances on board as cargo; or
(c) That he was entitled in one of the ways described in the following paragraph to fish for the said marine products.
(2) For the purpose of proving that he is entitled to fish for specified marine products the master or person acting as master shall, when first so requested, produce to the persons empowered to investigate acts punishable under this Ordinance:
The agreement leasing to him the right to fish as aforesaid; or the order granting him a licence to fish as aforesaid; or a declaration, certified by the chief of local government, which is to the effect that the master or person acting as master is authorized to exercise the fishing rights on behalf of the lessee or licensee and which states:
(i) The names of the lessee or licensee and of the master and person acting as master;
(ii) The area to which the lease or licence applies;
(iii) The designation of the marine products that may be fished for; and
(iv) The period for which the lease or licence is valid.
(3) The marine products, instruments and appliances referred to in the first paragraph of this article may be confiscated.
(4) The provisions of article 9, paragraph 3, shall apply in such a case.

Note. See also: Territorial Sea and Maritime Districts Decree of the Netherlands East Indies, 1939, articles 2-8,20 (supra, Chapter II, Section A, under Netherlands New Guinea (a)); and Coastal Fisheries Decree, 1927 (Netherlands-Indisch Staatsblad, 1927, No. 144; as amended, ibid., 1940, No. 25).

New Zealand

(a) Fisheries Act, 1908, as amended up to 1953

PART I. SEA-FISHERIES

2. Interpretation. In this Part of this Act, if not inconsistent with the context,—

"Waters" or "New Zealand waters" means the sea within one marine league of the coast of New Zealand, and includes all salt, brackish, or fresh waters in any bay or harbour of New Zealand, or in any estuary or tidal waters therein.

Administration

5. Regulations. The Governor-General may from time to time, by Order in Council gazetted, make regulations, which shall have force and effect either throughout New Zealand or only in such waters or places as are specified in the regulations, for any of the purposes following, that is to say:
(a) Generally regulating sea-fishing in New Zealand:

9. Officers may enter boats, examine license, and inspect nets, &c.
(1) Any fishery officer is hereby empowered, for the enforcement of the provisions of this Act, to exercise the powers and authorities of a constable, and may at all times and seasons, without let or hindrance—

1 By Fisheries Amendment Acts of 1908, 1912, 1923, 1926, 1936, 1945, 1948, 1953. The texts of these Acts have been provided by the Ministry for External Affairs of New Zealand.
2 Section 3 Subsection (1) of the Fisheries Amendment Act, 1945 provides:
"It shall not be lawful for any boat to be used in fishing (not being the taking of whitebait) for purposes of sale unless—
"(a) The boat is registered in accordance with this Act; and
"(b) The owner of the boat is the holder of a license in force under this Act and the principal Act authorizing the boat to be so used."
(a) Enter any boat engaged in fishing, or which he suspects to be so engaged; and
(b) Require the master or person in charge of such boat to produce the license for the boat if a fishing-boat, and take copies thereof or of any part thereof; and
(c) Require the master to give any explanation concerning his boat and her crew, and any person on board his boat, and the said licence; and
(d) Examine all standing, floating, or other nets, and all dredges, engines, and instruments, and seize all nets, dredges, engines, instruments, and devices that are illegal or are being used illegally; and
(e) Do all such other acts and things as he is required or authorized to do by regulations under this Act.

(2) The production of his instrument of appointment, or of a copy of the Gazette notifying such appointment, shall be sufficient warrant for any officer so acting in any of the cases aforesaid.

Protection of Fish

10. Governor-General in Council may declare fish, &c., protected.

(1) The Governor-General may from time to time, by Order in Council gazetted, declare that in any part or parts of New Zealand any species of fish, oysters, or seals shall be protected and come under the operation of such of the provisions of this Part of this Act as may be specified in such Order in Council.

(2) The Governor-General may from time to time in like manner set apart, either within or outside any harbour, any bay or bays frequented by fish for the purpose of propagation, and prohibit the use of nets of any kind in any such bays during such time as he thinks fit.

Penalties

56. Officer may enter and search for fish or oysters illegally taken.

(1) Any fishery officer or any constable may at any time between sunrise and sunset, with or without warrant, enter any fish-shop and premises attached thereto, smoke-house, ship, boat, cart, carriage, or conveyance of any kind, or in or upon any public place as defined by the Police Offences Act, 1908, and there search for, seize, and take away fish or oysters supposed to be illegally taken, and open and examine boxes, bags, baskets, and other receptacles in the course of such search.

(2) Every person who in any way prevents or hinders any entry or search, seizing or taking away, under this or the last preceding section is liable to a fine not exceeding twenty pounds.

57. Ships and boats engaged in illegally taking seals to be forfeited.

Any ship or boat the crew or any part of the crew of which are engaged in illegally taking seals, and any ship or boat on board of which any seal so illegally taken, or the skin, oil, blubber, or other product of a seal so illegally taken, is found, shall, together with the boats, furniture, and appurtenances of such ship or boat, be forfeited to His Majesty, and disposed of as the Minister thinks fit.

58. Seizure and search of such ships and boats.

(1) The officer in command of any ship in His Majesty's navy, or any officer of Customs, or the master
or other person in command of any ship belonging to His Majesty in New Zealand, may, either by himself or with such persons as he thinks fit to employ,

(a) Enter upon, seize, and take possession of any ship or boat liable to be forfeited as aforesaid, if found within the jurisdiction of the Government of New Zealand:

(b) At any time and from time to time enter upon any ship or boat within such jurisdiction, and there search for, seize, and take possession of any seal, or any product of any seal, liable to be forfeited as aforesaid.

(2) Every person who in any way prevents or hinders any such entry, search, seizing, or taking possession is liable to imprisonment with hard labour for any term of not less than three nor more than six months in the case of a first offence, and for any term of not less than six nor more than twelve months in the case of a second or any subsequent offence.

Fishing Townships

64. Setting apart land for fishing townships. (1) The Governor-General may from time to time, by Order in Council gazetted, set apart upon the coast-line of New Zealand, or of any bay, harbour, estuary, salt-water creek, or other inlet of the sea, any Crown lands as sites for fishing townships.

(2) The Governor-General shall cause a line (herein called the "foreshore line") to be laid out in every fishing township at such distance inland from the line of low-water mark as he thinks fit, and all the land lying between the said line and the line of low-water mark shall be deemed to be the foreshore for the purposes of this section.

Miscellaneous

67. Proceedings in respect of offences committed on sea-coast or within three-mile limit. (1) Any offence against this Part of this Act committed on the sea-coast, or at sea within three miles from any part of the coast, shall be deemed to be committed in New Zealand waters; and, if beyond the ordinary jurisdiction of any Court of summary jurisdiction, shall be deemed to have been committed either on the land abutting on such sea-coast or fronting such sea, or in any place where the offender is found.

(2) All prosecutions and proceedings in respect of offences under this Part of this Act may be commenced and taken in the name of the Minister, or of any fishery officer or officer of police, and in any district wherein an offence has been committed or an offender is found.

In any such prosecution or proceeding it shall be sufficient to set forth the offence in the words of this Act.

(b) Fisheries (General) Regulations, 1950, as amended

7. These regulations shall, except as otherwise herein expressly provided, have force and effect throughout the Dominion of New Zealand, and the

1 By the Fisheries (General) Regulations 1950, amendments nos. 1, 2, 3 and 4. Text of Regulations provided by the Ministry for External Affairs of New Zealand.
territorial waters thereof, including all salt, fresh, or brackish waters in the Dominion, and all shores of such waters, or any part thereof, or shores contiguous or adjacent to such waters:

Provided that nothing in this regulation shall affect any restriction of any of the regulations hereinafter contained to particular parts of the Dominion.

(c) OYSTER-FISHING REGULATIONS, 1946, AS AMENDED

Note. Article 6 of these Regulations is identical to article 7 of the Regulations above.

(d) WHALING INDUSTRY ACT, 1935

2. In this Act, unless the context otherwise requires, "Coastal waters" means, in relation to any country or territory, waters within a distance of three nautical miles from any point on the coast of any part of that country or territory, as the case may be, measured from low-water mark of ordinary spring tides:

4. The provisions of this Act in relation to ships and to things done or to be done on ships or by persons belonging to ships shall in the case of ships registred in New Zealand have operation wherever for the time being the ships may be, and in the case of all other ships shall have operation only within the coastal waters of New Zealand or the coastal waters of a territory administered by His Majesty's Government in New Zealand.

9. (1) Notwithstanding anything in this Act, the Minister may grant to any person a special permit authorizing that person to kill, take, and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as the Minister thinks fit, and the killing, taking, or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Act.

(2) The Minister may at any time revoke a permit granted by him under this section.

10. (1) Subject to the provisions of this Act and of any regulations made thereunder, the Governor-General may from time to time, by Order in Council, grant to any person a license to use or occupy any part of the foreshore or other Crown land adjacent thereto as a site for a factory for treating whales. Application for a license under this section shall be made in such manner, and there shall be payable in respect thereof such fees and rents, as may be prescribed by regulations under this Act, or, in default of

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1 By Oyster-Fishing Regulations 1946, amendment No. 1. Text of Regulations provided by the Ministry for External Affairs of New Zealand.

2 Text of Act provided by the Ministry for External Affairs of New Zealand.
any such regulations and in so far as they do not extend, as may be determined by the Governor-General.

11. (1) If any person discharges or permits to escape any noxious matter from a whale or from a ship or factory used for taking or for treating whales into any bay, gulf, harbour, lake, river, stream, creek, or other water included within the territorial limits of New Zealand, he commits an offence, and that person and, if the offence is committed on or in connection with the operations of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship, and, if the offence is committed in or in connection with the operations of a factory, the manager and (subject as aforesaid) the occupier of the factory shall each be liable to a fine not exceeding fifty pounds.

(2) Nothing in this section shall be construed to restrict the operation of the Oil in Territorial Waters Act, 1926, or of any other Act.

12. (1) For the purpose of enforcing the provisions of this Act a Whale Fishery Inspector, on producing on demand evidence of the fact that he is such an Inspector,

(a) May board or enter any ship or factory which he has reason to believe is used for taking or for treating whales, and inspect the ship or factory and its plant and equipment; and

(b) May, in the case of such a ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records, and other documents as the Inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

(2) Any Whale Fishery Inspector specially authorized in that behalf by the Minister may go on board any ship which is used for treating whales, and shall, during such period as may be specified in his authority, be entitled to remain on board the ship, to be provided with subsistence and accommodation therein, and to be present at all operations in connection with the treating of whales on board the ship. A Whale Fishery Inspector shall, in respect of each day or part of a day during which he is provided in pursuance of this subsection with subsistence and accommodation on board a ship, pay to the master of the ship such sum as may be prescribed.

(3) Every person who refuses to produce to a Whale Fishery Inspector any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an Inspector, or otherwise obstructs, or refuses facilities to, such an Inspector in the discharge of his functions under this section, shall be liable to a fine not exceeding one hundred pounds.
Nicaragua

Article 804. A duty of fifty centavos (gold) shall be chargeable in respect of every turtle exported through the Atlantic ports. (Decree of 8 December 1898, article 7.)

Article 805. It shall not be lawful for any person to fish in Nicaraguan waters for turtles and related species or for sponges unless he is duly authorized in conformity with these enactments. If a person engages in fishing without being so authorized, he shall be guilty of a police offence and liable to the penalties prescribed by statute without prejudice to the penalties prescribed by this enactment. (Decree of 20 January 1903, article 1, as amended by the Decree of 7 October 1925.)

Article 807. The authorization to which article 805 refers shall take the form of a licence issued by the competent Customs authority, on the application of the person concerned. The said licence shall specify the area in which the fishing is to take place, the number and tonnage of the vessels to be used, the number of fishermen to be employed and the time during which they propose to engage in fishing. (Decree of 20 January 1903, article 3, as amended by the Decrees of 1 February 1917 and 7 October 1925, article 1.)

Article 809. Licences shall be issued subject to payment of a fee of fifty centavos (gold) per register ton of the fishing vessel, for which purpose the tonnage entered in the navigation certificate shall be conclusive evidence. The official to whom the fee is paid shall note the receipt on the counterfoil of the licence issued, and shall attach the counterfoil and the application to his accounts as evidence. (Decree of 20 January 1903, article 5, as amended by the Decrees of 28 January 1905, article 2, and 7 October 1925, article 4.)

Article 810. Every vessel which is used in fishing for turtle or other testaceans referred to in this enactment must be registered annually with the competent maritime custom-house, a fee of two pesos (gold) being chargeable in respect of every vessel of five tons or less, and four pesos in respect of every vessel exceeding that tonnage. (Decree of 20 January 1903, article 6, as amended by the Decrees of 28 January 1905, article 3, 1 February 1917 and 7 October 1925, article 3.)

See below under United Kingdom (o).

1 See below under United Kingdom (o).

2 Leyes de Aduanas y Puertos, Comercio Maritimo y Buques de la Republica de Nicaragua, compiled by Clifford D. Ham, Managua, 1928, p. 175; text provided by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the United Nations.
Article 811. In addition to the fees chargeable under articles 809 and 810, the duty of fifty centavos (gold) prescribed in article 7 of the Decree of 8 December 1898 (article 804) shall be chargeable in respect of every turtle exported. (Decree of 20 January 1903, article 7.)

Article 813. The Government shall appoint as many special guards as it considers necessary, to inspect and supervise the fisheries; and in any case in which these inspectors should report that harmful or unlawful methods are being used, or that marine species such as turtles or other testaceans are being fished before they have reached a commercial stage of development, the person concerned shall not only forfeit the right to continue fishing, but shall be liable to a fine of not less than twenty, or more than one hundred córdobas, which shall be imposed by the Sub-Treasurer or Customs Administrator of the district in the light of the report of the inspector concerned which shall be in writing and set forth full particulars. (Decree of 20 January 1903, article 9, amended by the Decree of 21 June 1926).

Article 814. If a person engages in fishing without holding the prescribed licence, or uses fishing boats which have not been registered, he shall be liable to double the penalty prescribed in the preceding article, without prejudice to liability for the police offence constituted by such action. (Decree of 20 January 1903, article 10.)

Article 815. In any case in which neither the fishing vessels nor the fishermen are covered by any authorization, the fishery shall be deemed to be clandestine, and the offenders shall be arrested and their catch, together with the vessels used, shall be seized. The proceeds of the seizure shall be divided among the fiscal authorities, the persons reporting the offence and those responsible for making the arrest, in the manner prescribed for Customs seizures under article 830. (Decree of 20 January 1903, article 11.)

(b) Decree of 7 October 1925

Article 1. Any person who has obtained the necessary licence from the competent Ministry may lawfully engage in mother-of-pearl fishing in territorial waters at any time of the year.

Article 2. It shall not be lawful to fish for mother-of-pearl or other shells which are not fully grown, this expression to mean shells measuring four inches or less from base to tip.

Article 3. Every boat or vessel engaged in this industry must be registered annually with the competent maritime Sub-Treasury or Customs Office, and an annual fee of one córdoba shall be chargeable in respect of every vessel of five register tons and two córdobas in respect of vessels of greater tonnage. No person may engage in fishing except in vessels registered in conformity with this Decree.

1 Text provided by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the United Nations.
Article 4. Mother-of-pearl fishers shall purchase a licence from the Treasury at an annual fee of one córdoba per register ton (or fraction thereof) of the vessels they use. The licence shall be issued by the competent Revenue Office (Administrador de Rentas).

Article 5. In so far as they are inconsistent with this Decree, any previous provisions relating to mother-of-pearl fishing are hereby repealed.

Norway

(a) Loi du 3 août 1897 relative à la pêche maritaine au large des côtes du Finnmark, modifiée par la loi du 17 mars 1911

Article 1er. — Le droit de pêcher dans les eaux territoriales norvégiennes sur la côte du Finnmark est exclusivement réservé aux ressortissants norvégiens se trouvant à bord d’embarcations ou de navires norvégiens.

Article 45. — Jusqu’à nouvel ordre, un ressortissant norvégien a la faculté de recruter un étranger pour le faire participer à la pêche au titre de pêcheur à part de bénéfice, salarié ou mousse, à bord d’une embarcation ou d’un navire commandé par un ressortissant norvégien résidant dans le royaume. Il faut acquitter un droit de 10 couronnes par étranger. Mais la moitié de l’équipage au moins doit se composer de ressortissants norvégiens, et pour les embarcations à trois hommes, au moins un doit être Norvégien.
Le paiement du droit peut être exigé avant le commencement de la pêche. Si le percepteur du droit a accordé un délai de paiement, le droit peut être recouvré par voie de saisie. Le droit est versé à la caisse de l’Assistance publique de la municipalité — commune ou ville — où réside le propriétaire de l’embarcation ou du navire. L’embarcation ou le navire en question, avec ses engins, sert de caution pour le paiement du.

Article 46. — Le droit accordé par les articles 1er et 45 aux ressortissants norvégiens peut, aux mêmes conditions, être exercé par les autres habitants du pays, qui, par certificat de l’officier de police compétent, peuvent prouver avoir eu, lors de l’entrée en vigueur de la présente loi, une résidence fixe dans le pays pendant les 12 derniers mois consécutivement.

Article 48. — Les pêcheurs venant des pays étrangers, qui font la pêche au-delà de la limite territoriale, peuvent se réfugier sous la côte en cas de tempête et d’intempéries. Hors de ce cas, le séjour à terre ou dans les ports, afin de pratiquer la pêche au-delà de la limite territoriale, est interdit aux pêcheurs des pays étrangers.
Les infractions à cet article, et l’utilisation non autorisée d’un port norvégien comme port d’attache pour faire la pêche, sont passibles d’amendes.

Loi du 2 juin 1906 portant interdiction aux étrangers de pêcher dans les eaux territoriales norvégiennes

Article 1er. — Il est interdit à tous ceux qui ne sont pas ressortissants ou habitants du royaume de faire la pêche dans les eaux territoriales norvégiennes.

À moins d'avoir reçu l'autorisation prévue à l'article 3, aucun ressortissant norvégien ou habitant du royaume ne doit, pour cette pêche, se servir d'un navire qui ne soit pas norvégien, ou d'une embarcation ou engin appartenant à quelqu'un qui ne soit pas ressortissant norvégien ou habitant du royaume, ni recruter, pour prendre part à une telle pêche, des étrangers dans une mesure plus grande que celle prévue à l'article 2.

Article 2. — Un ressortissant norvégien ou habitant du royaume a la faculté de recruter un étranger pour le faire participer à la pêche dans les eaux territoriales au titre de salarié ou de pêcheur à part de bénéfice sur un navire norvégien et avec des embarcations et des engins appartenant à un ressortissant norvégien ou habitant du royaume, et avec un ressortissant norvégien ou habitant norvégien comme patron ou capitaine. Mais la moitié de l'équipage au moins doit se composer de ressortissants norvégiens ou d'habitants du royaume.

Article 3. — Le ministère compétent peut, dans quelques cas particuliers, où des circonstances spéciales le rendraient souhaitable, p. ex. pour essayer de nouveaux types de navires et d'engins, autoriser pour une pêche déterminée, ou pour une période définie, qu'un ressortissant ou habitant norvégien recrute, pour la pêche dans les eaux territoriales, des étrangers dans une mesure plus grande que celle prévue à l'article 2, et qu'il utilise des navires, embarcations et engins appartenant à des étrangers.

Article 4. — Les infractions à la présente loi, ou à des dispositions arrêtées en vertu de cette loi, sont passibles d'amendes. De plus, le navire ou bateau auquel appartiennent le coupable peut, avec le produit de la pêche et les engins se trouvant à bord, être l'objet de saisie totale ou partielle, que les objets saisis soient ou non la propriété de quelqu'un de coupable. Si l'infraction a été commise par quelqu'un de l'équipage d'un navire et si la responsabilité du capitaine du navire peut être établie, son subordonné ne sera pas poursuivi.

(c) Act of 13 April 1951 supplementing the Act of 2 June 1906 prohibiting aliens from fishing, etc., inside Norwegian fishery limits

Article 1. The provision of article 1, first paragraph, of the Act of 2 June 1906, prohibiting fishing inside Norwegian fishery limits by persons other than Norwegian nationals or residents of the Kingdom shall not preclude Swedish fishermen from fishing in the Norwegian fishery area in the outer Oslo Fiord pursuant to the Agreement between Norway and Sweden concerning fishing in certain waters belonging to Norway and Sweden.

Ibid., p. 83.
Text provided by the Permanent Mission of Norway to the United Nations.
Translation by the Secretariat of the United Nations.
(d) Décret royal du 22 décembre 1906 fixant les instructions ci-après pour les commandants de navires de guerre norvégiens, concernant la surveillance des pêcheurs étrangers dans les eaux territoriales norvégiennes ¹

1. Il est interdit à d'autres qu'aux ressortissants norvégiens ou habitants du royaume de faire la pêche dans les eaux territoriales norvégiennes. (Cf. la loi du 2 juin 1906, interdisant aux étrangers la pêche dans les eaux territoriales norvégiennes, etc.)

2. La limite des eaux territoriales norvégiennes en ce qui concerne la pêche, est fixée à une lieue de mer ordinaire (7.529 mètres) à compter de l'écueil ou l'ilot le plus éloigné, qui n'est pas recouvert par la mer. (Voir pour plus ample informé, Th. Boye: *Af den internationale sørrett og folkeretten* [Du droit des gens et du droit maritime international].)

3. Si un navire de guerre norvégien rencontre un navire étranger pêchant dans les eaux territoriales norvégiennes, il signalera au capitaine de ce dernier qu'il se trouve en deçà de la limite territoriale, et il lui intimera l'ordre de se porter au-delà de cette limite. Si le capitaine n'obtempère pas, il sera mis dans l'impossibilité de continuer la pêche, et il sera conduit avec son navire dans le port le plus proche, où rapport sera adressé à la plus haute autorité de police du lieu, qui se chargera de la suite de donner à l'affaire. Autant que possible on ménagera au pêcheur étranger la possibilité d'emporter ses engins de pêche. Le délinquant doit être conduit au port norvégien le plus proche, même sans avoir reçu l'avertissement en question, si le délit est jugé particulièrement grave, p. ex. quand un navire étranger est présumé s'être rendu coupable de pêche illicite à plusieurs reprises, ou bien quand une importante concentration de navires étrangers est surprise en flagrant délit de pêche illicite, sans qu'il y ait lieu de supposer que cette pêche se fasse dans l'ignorance du tracé de la limite territoriale. Avant d'intervenir contre les pêcheurs étrangers, il faudra déterminer exactement le point où le navire a été rencontré en train de pêcher, et les données en seront minutieusement consignées dans le journal du bord. Un rapport écrit sur l'incident sera adressé à l'autorité de police compétente, et copié en sera envoyée à l'amiral commandant en chef.

(e) HERRING AND BRISLING FISHERIES ACT OF 25 JUNE 1937, AS AMENDED ²

Chapter 1. Scope of the Act

Article 1. This Act shall apply to herring and brisling fishing off the Norwegian coast, irrespective of whether the fishing is carried on inside or outside the Norwegian territorial sea.

Chapter 14. Judicial proceedings, penal provisions, etc.

Article 81. Any vessel, boat or gear used in the commission of an offence punishable under this Act or regulations made thereunder may be confiscated by court order from the guilty party or the person on behalf of whom he acted even in cases where no criminal proceedings are, or can be, instituted against anyone. The same shall apply to any catch of fish taken unlawfully. Instead of confiscation of the article, a sum equal to its full or partial value may be forfeited.

(f) Whaling Act of 16 June 1939

Scope of the Act

Article 1. This Act shall apply to the catching and landing of whales in the Norwegian territorial sea and to whaling carried on outside the Norwegian territorial sea by Norwegian nationals or residents of the Kingdom or by Norwegian companies, associations or establishments.

General provisions

Article 2. It shall be unlawful to hunt whalebone whales or sperm whales without previously notifying the competent Ministry. Such notice shall include the particulars prescribed by the Ministry.

Whaling from a land station on the Norwegian coast shall be prohibited unless permission has been granted by the King. Before such permission is granted, the district council in whose area the land station is to be situated shall be given an opportunity to be heard. Such permission shall not imply the right to carry on whaling in the Norwegian territorial sea.

Whaling in the Norwegian territorial sea shall be prohibited unless permission has been granted by the King or by the person delegated by him for the purpose. Such permission may be granted only in respect of beaked whales and the smaller kinds of toothed whales (including bottle-nose whales).

Article 5. The King may:

1. Prohibit all whaling in specified waters;
2. Restrict whaling and the treating of whales to specified periods of the year, which may vary according to the particular catching areas, expeditions or land stations;
3. Impose restrictions on whaling generally or for each particular shipping company, expedition or land station;
4. Impose restrictions on the equipment which may be used for whaling and for the treating of whales.

Article 7. A catcher engaged in whaling for a land station on the Norwegian coast may conclude the hunt inside the territorial sea if a whale

1 Act No. 3 of 15 July 1949.
which has been harpooned outside the territorial sea is pulling a secured
line. The provisions of the preceding article shall apply as appropriate.

Article 9. It shall be unlawful in the Norwegian territorial sea and for
a distance of thirty nautical miles from the outer limit of that sea to carry
on whaling on Sundays and public holidays from 12 p.m. to 12 p.m.
The King may extend the application of this provision to other areas.

Article 11. The King or a person delegated by him for the purpose may
make regulations to ensure that this Act and the regulations made there-
der shall be complied with, and may require whaling expeditions and
 catchers to carry a Government inspector.

(g) ACT OF 20 APRIL 1951 RESPECTING TRAWL FISHING

Article 1. Trawl fishing may not be carried on within the Norwegian
fishery limits.
Trawl fishing may be carried on outside the fishery limits by vessels of a
gross tonnage not exceeding 300 if the competent ministry has granted
permission for that purpose.
The King may grant permission for trawl fishing to a limited number
of vessels of a gross tonnage exceeding 300. Such permission shall be granted
by preference to:

Article 4. Fish taken by foreign trawlers and the products thereof shall
not be landed in Norway, nor shall such fish or fish products brought in
from the fishing-grounds be processed, packed or trans-shipped within the
fishery limits.
In exceptional circumstances, such as damage to a vessel or the like, the
competent ministry may waive the foregoing prohibition.
Article 5. During such time as a fishing-vessel equipped with a trawl
is within the fishery limits, all fishing gear shall be stowed away on board,
that is to say, the otter-boards shall be placed on deck inboard of the gun-
wales, and the nets, empty of fish, shall be tied up on board.
The foregoing provision shall not apply to Norwegian trawlers in port
areas.

Article 12. Any person who commits, or is an accessory to, an offence
against this Act or regulations made thereunder shall be punished by a fine.
Any offence against article 1 of this Act shall, in addition, entail confis-
cation of the entire catch on board and of all fishing gear whether or not
such gear is the property of the offender. Confiscation of the fishing gear
may be waived where there are mitigating circumstances of an exceptional
character. The vessel with its fittings may also be confiscated whether or

1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
not it is the property of the offender. Furthermore, not only the offender but also the owner (manager) of the vessel, even though not guilty of any offence, may be required to forfeit the full or partial value of the catch, the fishing gear and the vessel with its fittings.

Upon confiscation, any lien or other charge upon the vessel or gear shall become void.

\( h \) Sealing Act of 14 December 1951

**Article 1.** This Act shall apply to sealing within the Norwegian fishery limits and to sealing carried on by Norwegian nationals or residents of the Kingdom or by Norwegian companies or other associations outside the Norwegian fishery limits.

**Article 3.** For the purpose of protecting and developing or ensuring a reasonable and proper exploitation of existing seal resources, the King may, for a certain period or until further notice, either entirely or in respect of specific areas:

1. Prohibit the hunting of seals or of particular types of seals;
2. Regulate the maximum catch permissible, either in general or for each particular expedition;
3. Prohibit or regulate particular methods of sealing.

**Article 6.** Any person who wilfully or negligently commits, or is an accessory to, an offence against this Act or regulations made thereunder shall be punished by a fine or by imprisonment for a term not exceeding three months.

Seals unlawfully caught may be confiscated by court order even in cases where no criminal proceedings are, or can be, instituted against anyone. The vessel and sealing equipment may be similarly confiscated if the shipowner, ships' master or expedition leader is liable to prosecution under this Act. In lieu of confiscation of the catch, vessel or equipment, the full or partial value thereof may be forfeited.

Confiscation under this Act shall not be deemed to be a penalty.

\( i \) Royal Decree of 18 July 1952

The boundary of the fishery limits South of Traena (66° 28' 8" N) shall be drawn outside, and parallel with, straight base-lines drawn between the following points:

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<th>Number of point</th>
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<td>48.</td>
<td>West side of Bøvarden</td>
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<tr>
<td>49.</td>
<td>Lundbøen</td>
<td>66°07'5&quot;</td>
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<td>50.</td>
<td>Svinglebøen</td>
<td>65°38'5&quot;</td>
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<td>51.</td>
<td>West side of Høgbraken</td>
<td>65°23'7&quot;</td>
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1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
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<tr>
<td>52.</td>
<td>West side of Hummelvær — Svartflesa</td>
<td>64°58'9 N 10°36'7 E</td>
</tr>
<tr>
<td>53.</td>
<td>West side of Fråholmsnes Svartflesa</td>
<td>64°54'9 N 10°31'8 E</td>
</tr>
<tr>
<td>54.</td>
<td>West side of Ertenbraken</td>
<td>64°46'9 N 10°27'0 E</td>
</tr>
<tr>
<td>55.</td>
<td>Utgrunnskjær</td>
<td>64°12'9 N 9°16'5 E</td>
</tr>
<tr>
<td>56.</td>
<td>Midtre Springeren</td>
<td>63°54'7 N 8°27'7 E</td>
</tr>
<tr>
<td>57.</td>
<td>Hilbåen off Andholmsleden</td>
<td>63°53'5 N 8°25'5 E</td>
</tr>
<tr>
<td>58.</td>
<td>The most north-westerly of the Dreitflu</td>
<td>63°50'0 N 8°20'0 E</td>
</tr>
<tr>
<td>59.</td>
<td>North-west side of Flesa</td>
<td>63°32'2 N 7°49'7 E</td>
</tr>
<tr>
<td>60.</td>
<td>Outer Smoksåen</td>
<td>63°28'2 N 7°44'1 E</td>
</tr>
<tr>
<td>61.</td>
<td>Outer Skatbåen</td>
<td>63°26'4 N 7°42'0 E</td>
</tr>
<tr>
<td>62.</td>
<td>Fogn</td>
<td>63°07'1 N 7°09'8 E</td>
</tr>
<tr>
<td>63.</td>
<td>Outermost Kjeldskjer</td>
<td>62°48'9 N 6°15'9 E</td>
</tr>
<tr>
<td>64.</td>
<td>Skreia</td>
<td>62°41'1 N 5°59'3 E</td>
</tr>
<tr>
<td>65.</td>
<td>The dry skerry north of Skjærkalven off Svinøy</td>
<td>62°20'2 N 5°16'2 E</td>
</tr>
<tr>
<td>66.</td>
<td>The most westerly of the Bukketyve</td>
<td>62°11'2 N 5°03'7 E</td>
</tr>
<tr>
<td>67.</td>
<td>Steinen</td>
<td>62°01'7 N 4°54'3 E</td>
</tr>
<tr>
<td>68.</td>
<td>The most southerly of the Vetrunger</td>
<td>61°56'3 N 4°49'4 E</td>
</tr>
<tr>
<td>69.</td>
<td>The most westerly of the Senninger</td>
<td>61°39'1 N 4°34'3 E</td>
</tr>
<tr>
<td>70.</td>
<td>The outermost reef off the Nordholmer</td>
<td>61°04'4 N 4°30'6 E</td>
</tr>
<tr>
<td>71.</td>
<td>The north-west point of Steinøy</td>
<td>61°02'1 N 4°30'3 E</td>
</tr>
<tr>
<td>72.</td>
<td>The west side of Mulen</td>
<td>61°01'7 N 4°30'3 E</td>
</tr>
<tr>
<td>73.</td>
<td>The west point of Gangvarskjer</td>
<td>60°38'3 N 4°43'3 E</td>
</tr>
<tr>
<td>74.</td>
<td>Herboskjør</td>
<td>60°18'8 N 4°53'5 E</td>
</tr>
<tr>
<td>75.</td>
<td>The most westerly Hufteskjær</td>
<td>60°15'7 N 4°55'1 E</td>
</tr>
<tr>
<td>76.</td>
<td>The west point of Fugløy</td>
<td>60°00'7 N 5°00'6 E</td>
</tr>
<tr>
<td>77.</td>
<td>Terneskjer</td>
<td>59°48'0 N 5°03'0 E</td>
</tr>
<tr>
<td>78.</td>
<td>Boaskjær</td>
<td>59°38'5 N 5°04'8 E</td>
</tr>
<tr>
<td>79.</td>
<td>The most westerly point of Utstra</td>
<td>59°18'4 N 4°51'5 E</td>
</tr>
<tr>
<td>80.</td>
<td>The north-west point of the westernmost of the Spannholmer</td>
<td>59°17'0 N 4°50'9 E</td>
</tr>
<tr>
<td>81.</td>
<td>The south-west point of the westernmost of the Spannholmer</td>
<td>59°16'9 N 4°50'9 E</td>
</tr>
<tr>
<td>82.</td>
<td>Lausingen</td>
<td>59°16'3 N 4°51'1 E</td>
</tr>
<tr>
<td>83.</td>
<td>Sveljeskjær</td>
<td>59°08'5 N 5°10'8 E</td>
</tr>
<tr>
<td>84.</td>
<td>The westernmost dry skerry off Imsen</td>
<td>59°00'5 N 5°22'1 E</td>
</tr>
<tr>
<td>85.</td>
<td>Outer Faksen off Kjør</td>
<td>58°52'6 N 5°25'6 E</td>
</tr>
<tr>
<td>86.</td>
<td>Jaerens Rev</td>
<td>58°45'0 N 5°29'6 E</td>
</tr>
<tr>
<td>87.</td>
<td>Øyresteen</td>
<td>58°40'1 N 5°32'6 E</td>
</tr>
<tr>
<td>88.</td>
<td>Obrestadodden</td>
<td>58°39'4 N 5°33'3 E</td>
</tr>
<tr>
<td>89.</td>
<td>Horrodden</td>
<td>58°33'6 N 5°39'5 E</td>
</tr>
<tr>
<td>90.</td>
<td>Ørenodden</td>
<td>58°32'9 N 5°40'3 E</td>
</tr>
<tr>
<td>Number of Name of point</td>
<td>Position of point</td>
<td>N. Lat.</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------</td>
<td>--------</td>
</tr>
<tr>
<td>91. Jær Rauna</td>
<td></td>
<td>58°31'6</td>
</tr>
<tr>
<td>92. The outermost skerry south of Ekerøy light</td>
<td></td>
<td>58°25'6</td>
</tr>
<tr>
<td>93. The westernmost of the Røsholmer</td>
<td></td>
<td>58°25'3</td>
</tr>
<tr>
<td>94. South Svetling</td>
<td></td>
<td>58°23'7</td>
</tr>
<tr>
<td>95. Flatskjær off the Svåholmer</td>
<td></td>
<td>58°22'3</td>
</tr>
<tr>
<td>96. Springeren off Vestre Knappene</td>
<td></td>
<td>58°17'1</td>
</tr>
<tr>
<td>97. The outermost skerry off Skarvøddden on Lista</td>
<td></td>
<td>58°06'7</td>
</tr>
<tr>
<td>98. The most south-westerly point on Breknholmen</td>
<td></td>
<td>58°05'6</td>
</tr>
<tr>
<td>99. The southern point of Gråhaugen</td>
<td></td>
<td>58°05'0</td>
</tr>
<tr>
<td>100. The outermost skerry off Lille Døsen</td>
<td></td>
<td>58°04'1</td>
</tr>
<tr>
<td>101. The outermost skerry off Døsen</td>
<td></td>
<td>58°03'8</td>
</tr>
<tr>
<td>102. West Kattestein</td>
<td></td>
<td>58°03'4</td>
</tr>
<tr>
<td>103. The outermost skerry off Rauna</td>
<td></td>
<td>58°03'3</td>
</tr>
<tr>
<td>104. Bispen</td>
<td></td>
<td>57°59'0</td>
</tr>
<tr>
<td>105. The southernmost skerry in the Gjeslinger near Utvåre</td>
<td></td>
<td>57°57'6</td>
</tr>
<tr>
<td>106. The southernmost skerry off outer Odden</td>
<td></td>
<td>57°57'4</td>
</tr>
<tr>
<td>107. Ytreskjær</td>
<td></td>
<td>57°57'6</td>
</tr>
<tr>
<td>108. The most south-easterly Gåskjær</td>
<td></td>
<td>57°57'9</td>
</tr>
<tr>
<td>109. West Ballastskjær</td>
<td></td>
<td>57°58'4</td>
</tr>
<tr>
<td>110. Lille Svarten</td>
<td></td>
<td>58°02'8</td>
</tr>
<tr>
<td>111. Meholmskjær</td>
<td></td>
<td>58°05'5</td>
</tr>
<tr>
<td>112. Langbåen reef</td>
<td></td>
<td>58°06'4</td>
</tr>
<tr>
<td>113. The outermost skerry off the Gjeslinger near Gásen (light)</td>
<td></td>
<td>58°13'0</td>
</tr>
<tr>
<td>114. Hesnesbregen</td>
<td></td>
<td>58°18'4</td>
</tr>
<tr>
<td>115. The most south-easterly skerry in Lossene</td>
<td></td>
<td>58°21'3</td>
</tr>
<tr>
<td>116. Brenningene beacon</td>
<td></td>
<td>58°28'5</td>
</tr>
<tr>
<td>117. Måla</td>
<td></td>
<td>58°31'2</td>
</tr>
<tr>
<td>118. Store Sildskjær (beacon)</td>
<td></td>
<td>58°39'7</td>
</tr>
<tr>
<td>119. The outermost skerry or rock east of the south-west point of Jomfruland</td>
<td></td>
<td>58°50'0</td>
</tr>
<tr>
<td>120. Skerry south of Twisteinen lighthouse</td>
<td></td>
<td>58°56'1</td>
</tr>
<tr>
<td>121. Skerry off the southern point of Erholmen in Rauer</td>
<td></td>
<td>58°58'6</td>
</tr>
<tr>
<td>122. Midtre Heiaflu</td>
<td></td>
<td>58°56'8</td>
</tr>
<tr>
<td>123. Frontier post XX (G.B.2, buoy)</td>
<td></td>
<td>58°56'5</td>
</tr>
</tbody>
</table>

**Note.** Royal Decree of 18 July 1952, mentioned above, has been amended by Royal Decree of 17 October 1952 in the following respects:

<table>
<thead>
<tr>
<th>Number of Name of point</th>
<th>Position of point</th>
<th>N. Lat.</th>
<th>Long. E.</th>
</tr>
</thead>
<tbody>
<tr>
<td>50. Svinglebåen</td>
<td></td>
<td>65°38'5</td>
<td>11°16'2</td>
</tr>
<tr>
<td>95. Flatskjær off the Svåholmer</td>
<td></td>
<td>58°22'3</td>
<td>6°02'9</td>
</tr>
<tr>
<td>113. The outermost skerry of the Gjeslinger near Gásen (light)</td>
<td></td>
<td>58°13'0</td>
<td>8°29'0</td>
</tr>
</tbody>
</table>
(j) **Marine Fisheries Act of 17 June 1955**

**Chapter 1. Scope of the Act**

*Article 1.* This Act shall apply to fishing within the Norwegian fishery limits and to fishing carried on outside those limits along the Norwegian coast and on the coastal banks by Norwegian nationals or residents of the Kingdom or by Norwegian companies or other associations.

With respect to Norwegian fishermen as referred to in the first paragraph, the King may prescribe that this Act or regulations made thereunder shall also apply entirely or partly to fishing in more distant waters.

The King may, until further notice or for a specified period, prescribe that this Act or particular provisions thereof shall apply only within the fishery limits.

This Act shall not apply to herring and brisling fishing, mackerel fishing or salmon and sea-trout fishing.

*Article 2.* The competent ministry may permit scientific research and practical fishery experiments to be carried out, subject to specified conditions, irrespective of the provisions of this Act.

*Article 3.* Unless otherwise expressly stated or implied by the context, this Act shall also apply to the taking of shellfish (crustaceans and molluscs).

**Chapter 2. Provisions for the Preservation of Fisheries—Restrictions on Certain Fishing Methods, etc.**

*Article 4.* For the purpose of protecting and developing existing fish and shellfish resources as required by international agreements, or of ensuring a reasonable and proper exploitation of the various fisheries, the King may, for a certain period or until further notice, either entirely or in respect of specified areas:

*Article 5.* The use of explosives for the taking of fish shall be prohibited. No explosive capable of being used for the taking of fish may be carried on board a ship in fishing areas or en route to or from fishing grounds. This provision shall not, however, apply to explosives required for the catching of whales or the like.

**Chapter 5. Supervision and Inspection**

*Inspection areas and districts*

*Article 31.* With respect to the fisheries to which this Act relates, the competent ministry may make rules for the supervision of the enforcement of this Act and the regulations made thereunder and may provide for the establishment of a special fisheries inspection service for specified coastal areas (inspection areas).

The competent ministry or the person authorized by it shall determine when the inspection shall become effective and when it shall be terminated.

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1 Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.
Article 33. In respect of the coastal areas for which an inspection service is established as provided in article 31, the chief inspector shall divide the said areas into inspection districts to the extent considered necessary or advisable. The chief inspector shall also determine whether the inspection districts shall include one or more identification districts if regulations on removable markings are made in pursuance of article 12 of the Act of 5 December 1917 respecting the registration and marking of fishing vessels.

If no chief inspector is appointed, the setting-up of such inspection districts as are necessary shall be made by the competent ministry or the person authorized by it.

CHAPTER 6. SCOPE, POWERS ETC. OF THE INSPECTION SERVICE

Article 41. All vessels and boats which are to engage in fishing in districts where an inspection service has been set up shall be reported to the said service. Such reporting shall be done before the commencement of fishing in the inspection district where the vessel or boat is to have its fixed base of operations. If the fixed base of operations is removed to another inspection district, a report of the removal shall be made as soon as possible to the inspection service in that district.

The reporting shall be done by the master of the vessel, who, in reporting, shall supply the particulars requested by the inspection service in respect of the vessel or boat, the crew, gear and tackle, etc.

Article 42. In order to avoid traffic congestion, the inspection service may order vessels purchasing fish and vessels and boats engaged in fishing to leave a port area or put in at a particular port.

CHAPTER 10. COMPENSATION

Article 68. The provisions of this chapter shall apply to damage in connexion with fishing outside the Norwegian fishery limits only in respect of the Norwegian party as referred to in article 1, first paragraph, who sustains the damage.

Subject to reciprocity, the King may, under an agreement with a foreign State, make the provisions of this chapter applicable to aliens sustaining damage.

CHAPTER 11. PENALTIES AND CONFISCATION

Article 70. Any vessel, boat or gear used in the commission of an offence punishable under this Act or regulations made thereunder may be confiscated by court order from the guilty party or the person on behalf of whom he acted even in cases where no criminal proceedings are, or can be, instituted against anyone. The same shall apply to any catch of fish taken unlawfully. Instead of confiscation of the article, a sum equal to its full or partial value may be forfeited.

In the case of an offence against article 6, confiscation of the catch or forfeiture of a sum equal to its value shall in all circumstances be mandatory.

If fish taken lawfully and fish taken unlawfully are intermingled, the entire intermingled catch may be confiscated.
Confiscation under this article shall not be deemed to be a penalty.

(k) Decree of the Crown Prince Regent of 30 June 1955

III. The outer boundary of the Norwegian fishery area around Jan Mayen shall be drawn (cf. Royal Decree of 22 February 1812) four nautical miles outside, and parallel with, straight base-lines drawn between the following points:

<table>
<thead>
<tr>
<th>Number of point</th>
<th>Name of point</th>
<th>Position of point</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nordkapp, skerry off east side</td>
<td>71°09.6' 7°57.2'</td>
</tr>
<tr>
<td>2</td>
<td>Austkapp</td>
<td>71°08.8' 7°56.1'</td>
</tr>
<tr>
<td>3</td>
<td>Søraustkapp</td>
<td>71°01.2' 7°59.8'</td>
</tr>
<tr>
<td>4</td>
<td>Point south-west of Søraustkapp</td>
<td>71°00.9' 8°00.8'</td>
</tr>
<tr>
<td>5</td>
<td>Cape Wohlgemuth</td>
<td>71°00.4' 8°03.0'</td>
</tr>
<tr>
<td>6</td>
<td>Lighthouse</td>
<td>70°51.6' 8°49.3'</td>
</tr>
<tr>
<td>7</td>
<td>Kjeglene</td>
<td>70°50.0' 8°57.0'</td>
</tr>
<tr>
<td>8</td>
<td>Sørkapp</td>
<td>70°49.6' 9°00.0'</td>
</tr>
<tr>
<td>9</td>
<td>Sjuskjera, southernmost skerry</td>
<td>70°49.8' 9°03.5'</td>
</tr>
<tr>
<td>10</td>
<td>Skerry off Hoybergodden</td>
<td>70°52.0' 9°05.0'</td>
</tr>
<tr>
<td>11</td>
<td>Point west of Richterkrateret</td>
<td>70°52.5' 9°04.4'</td>
</tr>
<tr>
<td>12</td>
<td>Outermost skerry north-west of Richterkrateret</td>
<td>70°52.7' 9°03.9'</td>
</tr>
<tr>
<td>13</td>
<td>Skerry off Fuglesøyla</td>
<td>70°54.9' 8°57.0'</td>
</tr>
<tr>
<td>14</td>
<td>Vakta</td>
<td>71°07.4' 8°17.5'</td>
</tr>
<tr>
<td>15</td>
<td>Køksneset</td>
<td>71°09.6' 8°04.5'</td>
</tr>
<tr>
<td>16</td>
<td>Nordkapp, dry skerry on north side</td>
<td>71°09.7' 7°58.3'</td>
</tr>
<tr>
<td>17</td>
<td>Nordkapp, skerry to the north-east</td>
<td>71°09.7' 7°57.5'</td>
</tr>
</tbody>
</table>

Pakistan

Fisheries Act of 1897 Section 4 (supra, Chapter I, under Pakistan (a))

Peru

Supreme Decree of 9 October 1928

Whereas the use of illicit methods of fishing is a cause of serious damage directly to the nation's fishery resources and indirectly to the production of guano, which is closely related thereto;

And whereas the Guano Company (Compañía Administradora del Guano), in view of its responsibility for increasing the yearly production of fertilizer, of the nature of its duties, and of the length of coast line within its area of activity, is the most appropriate body to exercise strict supervision over the manner in which the industry should be conducted in its area;

1 Text provided by the Permanent Mission of Norway to the United Nations.
Translation by the Secretariat of the United Nations.

2 Text of Decree provided by the Ministry for Foreign Affairs of Peru.
THE PRESIDENT OF THE REPUBLIC DECREES THAT:

Article 1. There shall be established a National Coastal Fisheries Police to protect the normal operation of the fishing industry, subject to the provisions of the present Decree and other applicable provisions in force.

Article 2. For the purposes of the aforesaid Police, the coast shall be divided into seven zones, each of which shall include the ports, bays and islands enumerated, as well as the coastal area between the said zones.

Zone 1: Principal port: Paita, with jurisdiction over Tumbes, Zorritos, Mancora, Talara, Negritos, Paita and Sechura.

Zone 2: Principal port: Pimentel, with jurisdiction over San José, Pimentel, Santa Rosa, Eten, Pacasmayo and the Lobos de Tierra and Afuera Islands.

Zone 3: Principal port: Salaverry, with jurisdiction over Malabrigo, Huanchaco, Salaverry, Chao, Santa, Chimbote, Samanco, the Macavi and Guanape Islands and other islands off the coast.

Zone 4: Principal port: Huacho, with jurisdiction over Bermejo, Supe, Carquín, Begueta, Huacho, Don Martín Island, the Majorca and Salinas Islands and other islands off the coast.

Zone 5: Principal port: Callao, with jurisdiction over Chancay, Ancón, Callao, Chorillos, Chilca, Asia, Mala, Burjama, the Pescadores Islands, Hormigas, San Lorenzo, Pachacamac and the islands off the coast.

Zone 6: Principal port: Pisco, with jurisdiction over Cerro Azul, Tambo de Mora, Pisco, San Andrés, Independence Bay, Lomas, the Chincha Ballestas and Santa Rosa Islands and other islands off the coast.

Zone 7: Principal port: Mollendo, with jurisdiction over Quilca, Islay, Mollendo, Cocotea, Yerba Buena, Ilo, Sama and the islands off the coast.

Article 3. The Fisheries Police duties shall be carried out by the Guano Company, which to that end is hereby accorded the authority necessary for the proper execution of the present Decree.

Article 5. The members of the crew of each launch shall be assimilated to members of the police force for the purpose of repression of offences coming within their jurisdiction.

Article 6. The National Coastal Fisheries Police shall be empowered:

(c) To inspect all fishing vessels entering and leaving ports and on the high seas and to ascertain whether such vessels have on board dynamite, fuses, detonators, dynamited fish, guano-producing birds, the eggs of such birds, or guano;

(f) To watch and maintain a strict guard over the islands and places along the shore where guano is formed, to prevent fishing vessels from approaching within a distance of two miles from such places and to enforce compliance with all existing provisions relating to the protection of guano-producing birds.
Article 8. The Guano Company shall, according to the nature of the
offence reported to it by the Zone Chiefs, determine the appropriate penalty,
collect the fines, recording them in its own documents which shall be duly
authenticated by the Ministry of Finance, and give notice to the Maritime
District of the port concerned to suspend or cancel the certificates of the
offending fishermen, such notice to be sufficient warrant for the Maritime
District to act, without thereby engaging its own responsibility.

Any vessel confiscated, where this penalty applies, shall be sold by the
Company, which shall so report to the Ministry of Finance, and the proceeds
of sale applied to the maintenance of the Fisheries Police. In the case of
offences punishable by imprisonment, the Company shall give notice to the
political authorities within whose jurisdiction the offences were committed
to detain the offenders, and the political authorities shall act on the notice
without thereby engaging their own responsibility. Only those decisions
of the Company under which a penalty of imprisonment is imposed shall be
subject to review, such review to be conducted and decided by the Govern-
ment Office on the basis of the relevant information.

Note. See also: Port Authorities and National Mercantile Marine Regu-
lations of 1 January 1952, articles 731-764 (supra, Chapter II, Section A,
under Peru).

Philippines

FISHERIES ACT NO. 4003 OF 5 DECEMBER 1932, AS AMENDED

CHAPTER I. MATTERS OF GENERAL NATURE

Section 2. Application of provisions. The provisions of this Act shall apply
to all fishing and fisheries in Philippine waters.

Article II. Definitions

Section 6. Words and phrases defined. Words and terms used in this Act
shall be construed as follows:

“Philippine waters, or territorial waters of the Philippines”, includes all
waters pertaining to the Philippine Archipelago, as defined in the treaties
between the United States and Spain, dated respectively the tenth of
December, eighteen hundred and ninety-eight, and the seventh of Novem-
ber, nineteen hundred.

CHAPTER II. INSULAR FISHERIES

Article V. Deep-sea or Offshore Fishing

Section 17. Licence tax on operation of boat. Unless provided with a licence
issued in accordance with the provisions of this Act, no person, association

1 Philippines, Act No. 4003 (as amended by Commonwealth Act No. 471 and
Republic Acts No. 462, 659 and 1088).
or corporation shall operate any vessel of more than three tons gross for the purpose of catching fish in the territorial waters of the Philippine Islands.

Section 18. Annual fee on operation of boat. The Secretary of Agriculture and Commerce is hereby empowered to issue to the proper parties licenses for fishing operation of powered vessels of more than three tons gross and sailing or rowed vessels of more than three tons gross towed or operated in connection with power-propelled vessels in the territorial waters of the Philippines upon the payment of an annual fee of not less than two pesos nor more than two hundred pesos for every vessel subject to taxation under this Act:

Section 20. Persons and corporations eligible for licenses. No license for the operation of vessels for the catching of fish in the territorial waters of the Philippine Islands shall be issued, except to citizens of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, or to citizen of countries the laws of which grant similar rights to citizens of the Philippine Islands.

Section 21. License for off-shore fishing and municipal grant of fishery. No license granted in accordance with section eighteen of this Act shall operate within three nautical miles from the shore line and from two hundred meters of any fish corral licensed by a municipality pursuant to the provisions of section sixty-nine hereof, except if the licensee is the same person authorized by the municipality to operate such fish corral.

Article VI. Marine Mollusca Fisheries

Section 24. Who may apply for licenses to take marine mollusca. Any citizen of the Philippine Islands or of the United States and any association or corporation of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States and which is organized and constituted under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, or any citizen of any country the laws of which grant similar rights to citizens of the Philippine Islands, may file an application for license to take marine mollusca in Philippine waters: Provided, however, That all foreign persons, associations or corporations who, at the time this law goes into effect, have legally obtained a license under the provisions of Act Numbered Twenty-six hundred and four to take marine mollusca, may be granted renewals of such licenses so long as they have not been guilty of any violation of this Act, Act numbered Twenty-six hundred and four, or the customs laws, or the regulations promulgated thereunder.

Section 34. Restrictions. The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may
be issued for the taking of marine mollusca in Philippine waters, or upon
the number of licensees who may be allowed to operate therein, and may
order that such restrictions extend to one or more species, and be made
generally applicable in all Philippine waters or be limited to a particular
marine area, or areas therein...

Article VII. Sponge Fisheries

Section 38. Limitation to collect or gather sponges and other aquatic products.
Except as provided in this article, no persons, associations, or corporations
shall be allowed to collect or gather sponges, seaweeds or other minor
aquatic products from the sea bottom or reefs in the territorial waters of the
Philippines...

Section 39. Who may be eligible for concessions. Concessions for the fishing
for, collecting or gathering of sponges in any of the territorial waters of the
Philippine Islands may be granted by the Secretary of Agriculture and
Natural Resources to any citizen of the Philippine Islands or of the United
States, or to associations or corporations that are duly registered or incor-
porated under the laws of the Philippine Islands or of the United States
or of any State thereof and authorized to transact business in the Philippine
Islands, and at least sixty-one per cent of whose capital stock or interest
in said capital stock is owned wholly by citizens of the Philippine Islands or
of the United States, or to citizens of countries the laws of which grant
similar rights to citizens of the Philippine Islands: Provided, however, That
all foreign persons, associations and corporations holding at the time this
law goes into effect concessions under the provisions of Act numbered
Twenty-five hundred and eighty-four, as amended by Act Numbered
Thirty-seven hundred and thirty-five, to fish for, collect or gather sponges
in Philippine waters, may be granted renewals of such concessions so long
as they have not been guilty of any violation of this Act, Act Numbered
Twenty-five hundred and eighty-four, as amended, or the customs laws,
or the regulations promulgated thereunder:...

Section 49. Prohibition. It shall be prohibited and declared unlawful:

(d) To ship from or attempt to ship from the Philippine Islands any
sponges taken from the waters except through the custom-house at one of
the ports of entry of the Philippine Islands.

(h) To take from the waters of the Philippine Islands any commercial
sponges by the use of any dredge or "gangara" except in waters of more
than thirty fathoms in depth.

Article VIII. Hawksbill Turtle Fisheries

Section 51. License to take hawksbill turtles. Unless provided with a
license issued in accordance with the provisions of this article, no person,
association or corporation shall take hawksbill turtle (Eretmochelys imbricata
Pennant) in Philippine waters.

Section 52. Who may apply for licenses to take hawksbill turtle. Licenses to
take hawksbill turtles in Philippine waters shall be granted to any citizen
of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States, or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: Provided, however, That all foreign persons, associations and corporations now engaged in the catching of hawksbill turtles may obtain licenses for the taking of hawksbill turtles under the provisions of this article and may renew such licenses so long as they have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder:

Section 57. Restrictions. The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may be issued for the taking of hawksbill turtles in Philippines waters, or upon the number of licensees who may be allowed to operate therein, and may order that such restrictions be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas, therein...

Section 61. Prohibition. It shall be prohibited and declared unlawful:
(a) To fish, take, wound or kill in all waters of the Philippine Islands, or hold in possession, living or dead or to purchase, offer, or expose for sale, transport, ship, or export, alive or dead, any under-sized hawksbill turtle.

CHAPTER IV. RESERVE FISHERIES

Article XII. Uses of Reserve Fisheries

Section 73. Fishing rights reserved for exclusive use of the Government. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may designate by proclamation any area or areas in the Philippine waters as fishery reservations for the exclusive use of the Government of the Philippine Islands or of any of its branches, or of the inhabitants thereof, or for the culture of fish and other aquatic animals for educational and scientific purposes.

Roumanie

DÉCRET N° 43 DU 16 FÉVRIER 1954 CONCERNANT LA RÉGLEMENTATION DE LA PÊCHE ET LA PROTECTION DU FOND PISCICOLE

Article 1er. Toutes les eaux de la République Populaire Roumaine qui servent à la reproduction, à l'élevage et à la pêche du poisson, des mammières aquatiques, des crustacés et autres animaux aquatiques, ainsi qu'à la récolte des produits aquatiques, sont considérées comme étant des bassins piscicoles et constituent le fond de production piscicole de la République Populaire Roumaine.

1 Le texte de ce décret a été fourni par la Mission permanente de la République populaire roumaine auprès de l'Organisation des Nations Unies.
Article 2. Sont considérés comme bassins piscicoles:

b) Les eaux territoriales de la mer Noire et les lacs du littoral.

Article 3. Aux termes du présent décret, le fond piscicole est constitué par la totalité de la population piscicole des bassins piscicoles.

Article 4. Dans le but de développer et d’améliorer l’économie piscicole, le Conseil des ministres de la République Populaire Roumaine est autorisé à fixer les conditions dans lesquelles la pêche est permise, les conditions d’administration et d’exploitation des bassins piscicoles, ainsi que les normes de protection et de surveillance du fond piscicole.

Article 6. Dans tous les cas d’infraction aux règles concernant la pêche, les organismes chargés d’exercer les poursuites ont le droit de confisquer tout le poisson trouvé en possession du délinquant, ainsi que les outils et les embarcations à l’aide desquels ladite infraction a été commise.

Le poisson confisqué après constatation du délit sera livré à l’unité de vente ou d’industrialisation du poisson la plus proche. Les sommes qui en résulteront, calculées au prix officiel, seront déposées à la Caisse des Dépôts et Consignations la plus proche jusqu’au moment où une décision définitive au sujet du délit aura été prononcée. Le récépissé de la somme déposée à la Caisse des Dépôts et Consignations sera joint au procès-verbal.

Les outils et les embarcations confisqués sont mis sous séquestre jusqu’à ce que le tribunal ou les organismes administratifs compétents se soient prononcés. La garde en sera confiée à l’unité piscicole la plus proche. Le reçu délivré par cette unité sera joint au procès-verbal.

Les instances judiciaires chargées de juger les infractions ainsi que les organismes chargés de les constater auront aussi le droit, par jugement ou procès-verbal, d’ordonner la confiscation des biens constituant l’objet du délit ou de l’infraction ou de ceux qui ont servi à les commettre.

Les sommes résultant de la vente du poisson confisqué seront attribuées par jugement à l’entreprise piscicole qui exploite la zone piscicole où le délit ou bien l’infraction ont été commis.

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Sweden

(a) ROYAL ORDER No. 21 of 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM

On the West Coast, from the Kullen Lighthouse to the sea frontier between Kosteröarna and Tistelöarna, the fishing waters in which fishing is exclusively reserved to residents of Sweden shall extend one geographical mile seawards from the land or from the rock situated farthest from the Swedish coast which is not continually submerged.

1 Svensk Författningssamling, 1871, No. 21, p. 2. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.
(b) **Royal Order No. 75 of 4 July 1910 concerning the application of the Royal Order of 5 May 1871 concerning the area within which fishing on the west coast of Sweden is exclusively reserved to residents of the Kingdom**

Whereas the issue concerning part of the sea frontier between Sweden and Norway has been submitted to the decision of a court of arbitration, and whereas the appointed court of arbitration has stated, in its judgment of 23 October 1909, that the outermost part of that frontier shall start from the centre of a straight line joining the most northerly of the rocks known as Stora Drammen with the rock Hejeknubb which rises from the sea to the south-east of the island of Heja, and shall form a straight line drawn 19 degrees south of due west and continuing in the same direction until it reaches the open sea; now therefore His Majesty has ordered that the Royal Order of 5 May 1871 concerning the area within which fishing on the west coast of Sweden is exclusively reserved to residents of the Realm shall be so construed that that area shall, subject to due observance of the frontier laid down in the judgment of the court of arbitration, extend one geographical mile seawards from the land or from the rock situated furthest from the Swedish coast which is not continually submerged or from the Swedish part of the aforesaid line, referred to in the judgment of the court of arbitration, which joins the rocks of Stora Drammen with the rock Hejeknubb.

(c) **Royal Order No. 282 of 2 June 1933 on fishing in the frontier waters of Sweden and Denmark**

Whereas a convention has been concluded between Sweden and Denmark on 31 December 1932 concerning fishing in the frontier waters of Sweden and Denmark; now therefore His Majesty has seen fit to make the following order:

**Article 1.** This Order refers to the following waters:

- The Kattegat, bounded to the north by straight lines drawn from the most northerly point of the Skaw to the Vinga Lighthouse and thence to the nearest point on the Hisingen coast, and to the south by straight lines drawn from Hasenöre to Gniben and from Gilbjerghoved to the Kullen Lighthouse;

- The Sound, extending from the line joining Gilbjerghoved with the Kullen Lighthouse in the north to a line drawn from the Stevn Lighthouse to the Falsterbo Lighthouse in the south; and

- In the Baltic: the waters fringing the coast from the Falsterbo Lighthouse to the Simrishamn Lighthouse and those around Bornholm and the Krustiansö group of islands.

**Article 2.** 1. In the Kattegat, fishermen of either country are entitled to fish not nearer than 3 minutes of distance from the coast of the other country or from its outermost islets and rocks that are not continually submerged.

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In bays, fishermen of either country are entitled to fish not nearer than 3 minutes of distance from a straight line drawn across the bay at a point nearest to its mouth where it is not wider than 10 minutes of distance; save that outside the Bay of Laholm that distance shall be measured from a straight line drawn from Tylö Lighthouse to Hallands Väderö Lighthouse.

2. In the Sound, fishing is everywhere open alike to fishermen of both countries save that between the 7-metre isobath and the shore fishermen of the other country may not fish otherwise than for herring with nets and also, during the months of July, August, September and October, with hook and line. Only närdingar (fine-meshed herring nets) may be used as drift-nets in herring-fishing.

Outside the above-mentioned 7-metre isobath all fishing with a trawl or seine net is forbidden south of a line joining Ellekilde Hage with Lerberget; a baited seine which, when fully extended, does not measure more than 7.5 metres between the ends of the arms may, however, be used over Middelgrindet. North of the said line fishing with a trawl or with a Danish seine may be carried on, in accordance with the provisions in force for each country, not nearer than 3 minutes of distance from the coasts.

3. Off the coasts of Bornholm and the Kristiansö group of islands, and off the Swedish coast from the Falsterbo Lighthouse to the Simrishamn Lighthouse, herring-fishing with drift-nets is open alike to fishermen of both countries from 1 May to 31 August, both dates inclusive.

4. Shore owners and owners of fishing rights shall retain all rights vested in them under the law of each country.

Article 3. Fishermen of both countries are allowed, without prejudice to private rights and subject to compliance with customs regulations and other similar provisions in force, to navigate freely and anchor anywhere in the waters referred to in this Order; save that during the period from 1 July to 31 October, both dates inclusive, a fishing vessel anchored in the Sound shall weigh anchor if there is any danger that the gear of a drift-net fisherman may drift on to the anchored fishing-boat or its anchor-tackle.

\[d\] \text{ACT No. 596 of 1 DECEMBER 1950 RESPECTING FISHERY RIGHTS} \[^1\]

\text{Fishing in public waters}

\text{Article 1. Any Swedish national may fish with portable gear in waters which are public waters within the meaning of the Act respecting the limits of public waters. Except as otherwise provided in article 3, fixed gear may not be set up in public waters unless permission has been obtained from the authority designated by the King.}

For the purposes of this Act, the term "fixed gear" means any structure used for fishing and any fishing gear fitted with guide-arms which is attached by poles or weights or in any other manner to the sea-bottom or shore and is intended to remain in position for more than two consecutive days.

\[^1\] \text{Svensk Författningssamling, 1950, No. 596, p. 1221. Text of Act provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.}
Article 3. On the coast of Norrbotten county, the coasts of Kalmar county south of Kråkelund, the east coast of Blekinge county (north of Torhamnsudde), and the east and south coasts of Skåne, any person possessing private fishery rights may, without special permission from the authority, extend fixed gear from private waters into public waters to a maximum distance of 200 metres from the shoreline and a maximum depth of three metres along the mainland or along an island of not less than 100 metres in length.

In the case, however, of a person who bases his fishing rights upon a contract, the provisions of the foregoing paragraph shall apply only in so far as they do not conflict with the provisions of the relevant arrangement with regard to the extent of the fishing rights.

Article 4. A person who is not a Swedish national may engage in fishing in public waters only if he has obtained the King’s permission to do so. Nevertheless, if such a person possesses private fishing rights, he shall be placed on the same footing as a Swedish national so far as the extension of fixed gear from private waters into public waters is concerned.

Fishing channels

Article 28. In every branch or area of a watercourse or sound where fishing is carried on, there shall be a fishing channel in the deepest part of the water. The fishing channel shall be one-sixth of the width of the water at normal low water. Where a watercourse together with its fishing channel enters the sea or runs into or out of a lake or a larger watercourse, the fishing channel shall extend with no change of width for a further 300 metres into the deepest part of the water. The same shall apply to the fishing channel of a sound at the ends of the sound.

The county administration, after consultation with the owners of rights and with experts, may prescribe that the fishing channel shall run in a part of the water other than as provided in the foregoing paragraph on condition that such action will presumably not be materially detrimental to any person who has not consented to it.

Union of South Africa

(a) Sea Fisheries Act No. 10 of 1940, as amended

1. In this Act, unless inconsistent with the context —

“sea” includes all bays, creeks, lagoons, estuaries, streams or rivers along the coasts of the Union, up to the limit of tidal influence;

3. (1) Any officer generally or specially authorized thereto by the Minister and any policeman may —

(a) Demand from any person whom he knows to have committed or whom he has reasonable grounds to suspect of having committed an offence under this Act, his full name and address;

(b) Board any fishing boat or vessel used as a factory and enter any premises used as a factory or for the storage or sale of fish or fish products and perform such acts on such boat, vessel or premises as may be necessary in order to ascertain whether the provisions of this Act are being complied with;

(c) Examine any implement which he has reason to believe is used or intended for use in the capture of fish;

(d) If he has reason to suspect that an offence under this Act has been committed in respect of any fish or has been or is about to be committed in respect of or by means of any implement, and that such fish or implement is upon any premises or at any place or upon any vehicle or vessel, at any time enter upon and search such premises, place, vehicle or vessel and search any person thereupon or thereat, and seize any such fish or implement: Provided that no policeman shall so enter upon or search any dwelling house except in accordance with the provisions of the Criminal Procedure and Evidence Act, 1917;

4. (1) The Governor-General may, by proclamation in the Gazette, prohibit, for an indefinite period or for any specified period in any year and either generally or in any defined area, the catching or disturbing of fish or any defined species of fish, and may amend or rescind any such proclamation.

6. (1) The Governor-General may, by proclamation in the Gazette —

(a) Declare any area to be a fish marketing improvement area;

(b) Impose upon any person who catches fish for the purposes of trade, within or beyond the territorial waters of the Union, whether as principal or as agent, off any fishing boat or by means of a net, a levy not exceeding sixpence in respect of every occasion upon which any such fish is landed in any area so declared: Provided that such proclamation may exempt from payment of the levy any person who is a member of any organization for the marketing of fish, approved by the Minister, and any corporation, so approved, which is engaged in the marketing of fish, and any employee of such person or corporation in so far as he acts in the performance of his duties as such employee;

(c) Require every person who is liable to pay such levy, to register with an officer and within a period specified in the proclamation, his name and address and particulars of any fishing boat used by him, and of its crew;

(d) Designate the person who or the organization which shall be entrusted with the administration of the levy funds; and

(e) Prescribe the manner in which the said funds shall be administered, and the forms and frequency of returns, including audited statements of receipts and expenditure, which such person or organization shall render to the Minister.

(2) The said funds shall be utilized to meet the expenses incurred in the administration thereof, and to assist the betterment of the marketing of fish.
7. (1) Any person who —

(d) Deposits in or causes or allows to enter into the sea, any matter which is injurious or likely to be injurious to fish or fish food; or

(f) In capturing or killing fish, other than whales, causes any substance to be exploded in the sea; or

(g) Returns to the sea any edible and marketable dead fish which has not been captured in contravention of any prohibition under this Act, or abandons any edible dead fish in any other place; or

shall be guilty of an offence and liable upon conviction in case of an offence referred to in paragraph (c) to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment, and in the case of any other offence referred to in this sub-section, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(2) The provisions of paragraphs (d), (e), (f), (g), (h), (j) and (k) of sub-section (1) shall, in respect of any person upon any boat or vessel licensed or required to be licensed under this Act, apply also beyond the territorial waters of the Union.

10. If any person is charged with having committed an offence under this Act at any place beyond the territorial waters of the Union, any court whose area of jurisdiction abuts on or includes any part of the sea, shall be competent to try the charge, and for all purposes incidental to or consequential on the trial of the charge, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

13. (1) This Act shall not apply in respect of —

(a) Fish in any waters which do not permanently or at any time of the year form part of the sea; or

(b) The catching of fish in semi-enclosed bays, tidal rivers and estuaries along the coast of the Province of Natal, or from the coast in the said Province or

(c) Fish in any tidal river along the coast of the Province of the Cape of Good Hope: Provided that the Governor-General may by proclamation in the Gazette declare this Act to be applicable in respect of fish in any such river with effect from a date mentioned in the proclamation...

(2) In this section "catching" does not include the landing of fish caught outside any such bay, river or estuary, and otherwise than from the said coast.

13bis. (1) Whenever the Legislative Assembly for the territory of South-West Africa (hereinafter referred to as the territory), in the exercise of its powers under section twenty-five of the South-West Africa Constitution Act,
1925 (Act No. 42 of 1925) makes an Ordinance dealing with matters relating to sealing and sea fisheries it shall be competent for the said Assembly (subject to the provisions of sub-sections (4) and (6) of section forty-four of the said Act, as inserted by section twenty-two of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949)), to provide in such Ordinance that provisions which apply within the territorial waters of the territory shall, in respect of any boat or vessel licensed or required to be licensed under the said Ordinance, or of any person, or any fish, implement or other matter on such boat or vessel, apply also beyond the said territorial waters.

(2) This section shall be deemed to have been in operation as from the first day of June, 1949.

(b) Sea Fisheries Regulations (Government Notice No. 1353 of 1 July 1955, as amended) ¹

PART VI

Collection of crabs, oysters, mussels, perlemoen, prawns, razor clams (pencil or penknife bait) and red bait

5. No person shall collect or disturb oysters, oyster shells, brood or spawn along the seashore and in the adjoining territorial waters —
   (a) In the Divisions of Alexandria, East London, Heidelberg, Riversdale and Swellendam;
   (b) In the Division of Bredasdorp, between the mouth of the Uitenkraal River (Uitenkraalmond) and Quoin Point; or
   (c) In the Division of Port Elizabeth —
      (i) In the area bounded on the south by the low water mark, on the north by the high water mark, on the east by the prolongation in its southerly direction of the western boundary of the farm Hougham Park, being the remaining extent of the farm Samson’s Kraal, and on the west by a line 200 yards from and parallel to the western boundary of the farm Hougham Park; and
      (ii) In the area bounded on the south by a line 100 yards from and parallel to the low water mark, on the north by the high water mark, on the west by a line 1,033 yards east of and parallel to the western boundary of the farm Hougham Park, and on the east side by a line 1,183 yards east of and parallel to the western boundary of the farm Hougham Park.

6. (a) No person shall collect perlemoen, abalone, Venus ear or siffie (any species) (*Haliotis* spp.) on the seashore along the coast between the Orange and the Great Kei Rivers in the Province of the Cape of Good Hope, or in the adjoining territorial waters, except on the authority of and subject to the conditions set forth in a permit in the form set out in Schedule J, and issued to him by the Receiver of Revenue of the district in which, or which adjoins the territorial waters in which, such perlemoen, abalone, Venus ear or siffie is to be collected; provided that no permit shall be

¹ Text of Regulations provided by the Permanent Mission of the Union of South Africa to the United Nations.
required for the collection by a person of such perlemoen, abalone, Venus ear or siffle for his own use in quantities not exceeding five per day, whether from a fishing boat or otherwise.

(b) A permit referred to in sub-regulation (a) shall be issued upon payment of a fee of £ and shall expire on the 31st day of December of the year for which it is issued.

7. No person shall collect razor clams (*Solen* spp.) (otherwise known as pen-knife or pencil bait) between the low water mark and the high water mark in the area bounded in the south by the North Head of Saldanha Bay and in the north by the southern side of the Olifants River Mouth except under the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries; provided that no permit shall be required for the collection by any person of such razor clams for his own use in quantities not exceeding fifty per day.

8. (a) No person shall, along the seashore in the Division of Knysna and in the adjoining territorial waters, collect or disturb any prawns including mud prawns (*Crustacea*) but the collection by any person of not more than 50 prawns per day by means of a blow-tube pipe or tin shall be permitted.

(b) No person shall, along the seashore in the Division of Knysna and in the adjoining territorial waters, collect red bait or bloodworm (*Arenicola* spp.) except in quantities not exceeding 4 lb. of red bait or 12 bloodworms per day for use for fishing solely in the Division of Knysna.

9. No person shall collect or disturb any prawns including mud prawns (*Crustacea*), razor clams (*Solen* spp.) (otherwise known as pen-knife or pencil bait) or red bait along the seashore in the Division of East London and in the adjoining territorial waters; provided that prawns and razor clams in quantities not exceeding 50 per day and red bait in quantities not exceeding 4 lb. per day may be collected for bait purposes.

10. (a) No person shall collect bloodworm (*Arenicola* spp.) or mussel worm (*Nereid worm*) along the seashore in the Division of George and in the adjoining territorial waters except for bait and in quantities not exceeding 12 bloodworms or 36 mussel worms per day. Any bloodworm or mussel worm so collected shall not be sold or offered for sale.

(b) No person shall collect red bait along the seashore in the Division of George and in the adjoining territorial waters except for bait in quantities not exceeding 4 lb. per day, or for sale as bait under the authority of and subject to the conditions set forth in a permit issued by the Secretary of the Divisional Council of George on behalf of the Director of Fisheries. Red bait so collected shall be taken only from the area commonly known as Swartvlei.

(c) No person collecting crabs in the Division of George shall sell or offer such crabs for sale.

11. No person shall collect or disturb mussels along the seashore and in the adjoining territorial waters —

(a) From Shell Lime Point to Die Kelders in the Division of Caledon, except for bait and under the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries or by the Town Clerk, Hermanus, on the direction of the Director of Fisheries, or the Fishing Harbour Supervisor, Gansbaai, on the direction of the Director of Fisheries;
(b) In the Division of Alexandria, except for bait and in quantities not exceeding 50 per day, on the authority of and subject to the conditions set forth in a permit issued by an Honorary Fisheries Officer of the Division of Alexandria; or

c) In the Divisions of Bathurst, Bredasdorp, East London, George, Komgha en Peddie except for bait and in quantities not exceeding 50 per day;

d) In the Divisions of Piketberg and Clanwilliam, between the mouth of the Berg River and a point 9 miles north of Baboon Point, situated due west of Elandsberg Trigonometrical Station, except for bait and in quantities not exceeding 50 per day, or on the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries;

e) Between, as a northern limit, Bok Point in the Division of Malmesbury and, as a southern limit, the mouth of the Second Salt River (or Diep River) in the Division of the Cape, except for bait and in quantities not exceeding 50 per day, or on the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries;

(f) In the Division of Port Elizabeth except for bait and in quantities not exceeding 50 per day on the authority of and subject to the conditions set forth in a permit issued by an Honorary Fisheries Officer of the Port Elizabeth Division; or

g) In the Division of Stellenbosch.

12. No person shall, in the Division of Knysna, collect or disturb —

(i) Black mussels; or

(ii) White mussels, except for bait and in quantities not exceeding 50 per day. White mussels so collected shall be used only in the Division of Knysna.

PART IX

Whaling

General

4. No person shall hunt, pursue, or capture any whale within a distance of three nautical miles of any area in which the disturbing or capture of fish is prohibited by any proclamation issued under section four of the Act, or discharge any bomb-gear, rocket or other explosive in such area.

(c) Sea Fisheries Proclamations 1

(i) Proclamation No. 255, 1946

Under and by virtue of the powers vested in me by section four of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), I hereby declare that no person shall remove mussels or red bait from the walls of the Bruton Breakwater at the harbour of Port Elizabeth during the period from the first day of December in each year to the thirty-first day of May in the following year, both days inclusive.

1 Texts of Proclamations provided by the Permanent Mission of the Union of South Africa to the United Nations.
(ii) Proclamation No. 157, 1952

Under the powers vested in me by section four of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby declare that, until further notice, no person shall capture, disturb or remove rock lobster within the areas defined in the Schedule hereto.

SCHEDULE

DIVISION OF THE CAPE OF GOOD HOPE—HOUT BAY

The area within the whole of Hout Bay inside a straight line drawn from the beacon near "Die Josie" on the southern side to two beacons in line near "Bad Tamboer" on the northern side.

DIVISION OF MALMESBURY—SALDANHA BAY

The area within the whole of Saldanha Bay inside a straight line passing through two white concrete beacons marked N.H.1 and N.H.2, situated on the point known as North Head and a similar beacon marked S.H. situated on the point known as South Head.

(iii) Proclamation No. 255, 1953

Under the powers vested in me by section four of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby amend Proclamation No. 157 of 1952 by—

(b) Inserting after the first paragraph of the Schedule the following new paragraph:

"Division of the Cape of Good Hope—Table Bay

"The area within three nautical miles seawards from low-water mark on the coast between, as northern limit, a straight line passing through the centre of the Robben Island Lighthouse and two white concrete beacons marked T.B.N. 1 and T.B.N. 2 situated near the mouth of the Second Salt River (also known as Deep River) and, as southern limit, a straight line passing through the Trigonometrical beacon situated at Bachelor's Cove and a white concrete beacon marked T.B.S. 2, situated east-south-east of the rocks known as South Lion's Paw."

(iv) Proclamation No. 268, 1953

Under the powers vested in me by section four of the Sea Fisheries Act (Act No. 10 of 1940), as amended, I hereby declare that with effect from the date of publication hereof, no person upon any boat or vessel licensed or required to be licensed under the aformentioned Act shall by means of shark gill-nets disturb, fish for or catch sharks within the area bounded by
the coastline northwesterly from Quoin Point to Cape Hangklip; thence in
a straight line south (true) or 180° (true) for 10 miles to a point in the sea;
then in a straight line in a southeasterly direction to a point in the sea
10 miles southwest (true) or 225° (true) from Quoin Point; thence in a
straight line 10 miles north-west (true) or 45° (true) to the point of com-
mencement at Quoin Point.

(v) Proclamation No. 8, 1955

Under the powers vested in me by section four of the Sea Fisheries Act,
1940 (Act No. 10 of 1940), as amended, I hereby declare that no person
shall, in any manner or for any purpose whatsoever, catch or disturb:
(a) Snoek during the period from the first day of August, to the thir
teenth day of November in each year; or
(b) Oysters, oyster shells, brood or spawn in any area during the periods
from the first day of January to the twenty-eighth day of February and the
first day of November to the thirty-first day of December in any year.
The provisions of paragraph (a) of this Proclamation shall, in respect of
any person upon any boat or vessel licensed or required to be licensed under
the said Sea Fisheries Act, 1940, extend beyond the territorial waters of the
Union.

(vi) Proclamation No. 148, 1955

ROCK LOBSTER SANCTUARY.—OODEKRAAL, DIVISION OF THE CAPE OF GOOD HOPE

Under the powers vested in me by section four of the Sea Fisheries Act,
1940 (Act No. 10 of 1940), as amended, I hereby declare that no person
shall, in any manner or for any purpose whatsoever catch or disturb rock
lobster during the period from the first day of February to the thirty-first
day of October, in each year, in the area within three nautical miles sea-
wards from low-water mark on the coast between, as northern limit, a
straight line passing through the trigonometrical beacon situated at Bache-
lor's Cove, and a white concrete beacon marked T.B.S. 2, situated east-
southeast of the rock known as South Lion's Paw and, as southern limit,
a straight line passing through two similar beacons marked L.S. 1 and
L.S. 2, the former situated on the rock known as Oudeskip and the latter
on the shore east of the said rock.

(d) Fishing Industry Development Act, 1944, as amended

22. (1) The Governor-General may, after the Minister has consulted
the advisory council, by proclamation in the Gazette, declare any area to be
a controlled area as from a date specified in the proclamation, not being a
date less than two months after the date of publication of the proclamation.

1 By Act No. 25 of 1950, Act No. 22 of 1951, Act No. 20 of 1952 and Act No. 32
of 1955. Text of Acts provided by the Permanent Mission of the Union of South
Africa to the United Nations.
(2) As from the said date, no person shall — 

(a) Catch any fish for the purpose of trade, within or beyond the territorial waters of the Union, whether as principal or as agent, off any fishing boat which, in the ordinary course departs from and returns to any place within the controlled area or the territorial waters adjoining that area, or by means of a net operated from any such place, unless his name appears upon the register to be held under sub-section (4) in respect of that area; or, 

(b) Use any such fishing boat or allow it to be used in catching fish for the purpose of trade, unless it is registered under section twenty-four in respect of that area.

(3) 

(a) In sub-section (2), fish does not include whales.

(b) The provisions of paragraph (a) of sub-section (2) shall not apply to any person under the age of eighteen years or to any member of the crew of a fishing boat engaged in trawling.

(4) The registration officer shall in respect of every controlled area, keep a register in which shall be entered the names and addresses of the persons and a description of the fishing boats registered therein, and such other particulars relating to those persons and boats as may be prescribed.

31. (1) Any officer generally or specially authorized thereto by the Minister and any policeman may — 

(a) Demand from any person whom he knows to have committed or whom he has reasonable grounds to suspect of having committed an offence under this Act, his full name and address;

(b) Board any fishing boat and enter any premises used for the purpose of dealing in fish, and perform such acts upon the boat or premises as may be necessary in order to ascertain whether the provisions of this Act are being complied with;

(c) If he knows or has reason to suspect that an offence under this Act has been committed in respect of or by means of any fishing boat or net, and that the boat or net is upon any premises or at any place or upon any vehicle or vessel, at any time enter upon and search the premises, place, vehicle or vessel, and seize any such boat or net: Provided that no officer shall so enter upon and search any dwelling house and that no policeman shall, except in accordance with the provisions of the Criminal Procedure and Evidence Act, 1917, so enter upon and search any dwelling house;

(d) If he knows or has reason to suspect that an offence under this Act has been committed in respect of or by means of any fishing boat, demand from the person who is the licensee of that boat in terms of the Sea Fisheries Act, the names and the places of abode of the skipper of that boat and of the members of its crew;

(e) If he knows or has reason to suspect that any person has disposed of any fish at a price in excess of the price which is applicable in terms of any notice under paragraph (b) of sub-section (4) of section twenty-eight, or has failed to pay any levy imposed under section twenty-nine, or the proceeds of any such levy demand from such person or any person in his employ, the production of any book or document at his disposal which relates to the catching or the disposal of fish, and make a copy thereof or take an extract therefrom.
(2) The powers conferred by sub-section (1) may, in respect of any fishing boat and of any person or net thereon, be exercised also beyond the territorial waters of the Union.

Note. See also: Rock Lobster Export Act No. 9 of 1940 (supra, Chapter I, under Union of South Africa (b)).

South West Africa

Sealing and Fisheries Ordinance No. 12 of 1949

1. In this Ordinance, unless inconsistent with the context —

“factory” means any premises or vessel in or upon which fish or the products of fish are salted, dried, smoked, preserved, canned, or otherwise treated, for the purpose of trade; but does not include any premises or vessel used solely for the chilling or freezing of fish or of the products of fish;

“territorial waters” means the territorial waters of the sea of the Territory including the waters surrounding any island, islet, rock or reef forming portion of the said Territory;

“the Territory” includes the sea within three nautical miles from any part of the shores of the Territory;

CHAPTER I

Fisheries

2. (1) The Administrator may, by notice in the Gazette, prohibit, for any indefinite period or any specified period in any year and either generally or in any defined area, the catching or disturbing of fish, or any defined species, of fish, and may amend or rescind any such notice.

(2) Any such notice may, in respect of any person upon any boat or vessel licensed or required to be licensed under this Ordinance, extend beyond the territorial waters of the Territory.

CHAPTER IV

General and supplementary

12. (1) Any officer generally or specially authorised thereto by the Administrator and any policeman may —

(b) Board any fishing boat or vessel used as a factory and enter any premises used as a factory or for the storage or sale of fish or fish products

1 The text of this Ordinance was provided by the Permanent Mission of the Union of South Africa to the United Nations.

2 The General Sealing and Fisheries Regulations were made under section 25 of this Ordinance. For these Regulations (Government Notice No. 215 of 1949) see Official Gazette, 15 August 1949, pp. 2602-2611.
and perform such duties on such boat, vessel or premises as may be necessary in order to ascertain whether the provisions of this Ordinance are being complied with;

(2) The powers conferred by sub-section (1) may in respect of any boat or vessel licensed, or required to be licensed under this Ordinance, and of any person, or any fish or implement thereon, be exercised also beyond the territorial waters of the Territory.

17. The Administrator may from time to time out of moneys appropriated for the purpose take such measures as he may deem necessary for —

(e) The survey of the territorial water of the sea with a view to investigation of new fishing grounds and similar undertakings;

23. If a person is charged with having committed an offence under this Ordinance at any place beyond the territorial waters of the Territory, any court whose area of jurisdiction abuts on, or includes any part of the sea, shall be competent to try the charge and, for all purposes incidental to or consequential on the trial of the charge, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

25. (1) The Administrator may make regulations not inconsistent with this Ordinance —

(xxii) Prohibiting persons of or persons employed in vessels of any foreign nationality from engaging in sealing operations in or around any seal island or area in territorial waters.

(xxii) Prohibiting the killing, capture, pursuit, taking or disturbance of seals upon or in the vicinity of any specified seal island or area or in the territorial waters surrounding such island or contiguous to such area;

(4) The power to make regulations under this section shall include the power to make regulations which shall, in respect of any boat or vessel licensed or required to be licensed under this Ordinance, and of any person, or any fish, implement or other matter thereon, apply beyond the territorial waters of the Territory.

26. This Ordinance shall not apply in respect of the catching of fish in any waters which do not permanently or at any time of year form part of the sea.
Union of Soviet Socialist Republics

Regulations of 10 August 1954 Concerning the Conservation of Fishery Resources and the Regulation of Fishing in the Waters of the USSR

Article 1. All waters (seas, rivers, lakes, reservoirs and ponds) which are or may be used for pisciculture or for the commercial fishing or commercial catching or gathering of other aquatic animals or plants, or which are important for the maintenance of stocks of commercial fish, shall be deemed to be fishery waters.

Marine fishery waters comprise the internal maritime waters (inland seas, gulfs, bays and creeks of open seas) and territorial waters of the USSR (maritime frontier zone) to a width of twelve nautical miles measured from the low-water mark (both on the mainland and on islands) or, in the case of internal waters, from their outer edge.

Article 6. Foreign nationals and bodies corporate of foreign States may not engage in commercial fishing or the commercial catching or gathering of other aquatic animals or plants in the waters of the USSR, except as provided in international agreements concluded by the USSR.

Article 8. Rules governing fishing in fishery waters shall be made for the several fishery districts by the Minister of Fisheries of the USSR.

The Fishery Rules shall specify, in particular, the boundaries of the area within which they apply, the prohibited areas and close seasons for fishing, the prohibited implements and methods of fishing, the mesh-sizes authorized for fishing equipment, the minimum sizes of fish and other aquatic animals authorized to be taken, the rules for non-commercial fishing by the public for personal consumption, and also, in waters in which such restrictions are necessary for conserving and increasing fish stocks, the authorized quantity of fishing equipment and of catches of fish of the several species.

Article 23. A person who engages in fishing or the catching or gathering of other aquatic animals or plants in fishery waters without proper authority, in a close season, in a prohibited area, by prohibited methods or with prohibited implements, or who improperly discharges into fishery waters the unpurified and undecontaminated liquid wastes of an industrial or municipal undertaking or carries out blasting operations causing mass destruction of fish, shall be liable to prosecution as provided by law.

A person who commits an offence as aforesaid for the first time, without using commercial fishing implements, explosives or poisons, or who contravenes any other provisions of the Fishery Rules or of these Regulations, shall be liable to a fine.

**Article 24.** Fishery conservation officers shall be entitled to detain persons committing offences against these Regulations and the Fishery Rules and to seize fishing implements and floating equipment in their possession together with any fish and other aquatic animals and plants unlawfully taken.

Fishery conservation officers shall be entitled to detain an offender for such time as may be necessary for the drawing-up of a report (record) of the offence against these Regulations and the Fishery Rules. If the offender's identity cannot be established at the place where the offence is committed, the fishery conservation officers shall deliver the offender to the nearest rural Soviet or militia unit for the purpose of establishing his identity and domicile.

Unlawful catches of fish and other aquatic animals and plants shall be seized by fishery conservation officers both at the place of taking and at points at which they are received and processed, and shall be delivered to fish products plants or to trade organizations at the prevailing acceptance prices. Seized fishing implements and floating equipment shall be held at the fishery conservation authorities' stores, or at other places at the discretion of the said authorities, until the fishery conservation authorities give their decision in the case, where administrative proceedings are taken against the offender, or until the court renders its judgement, where judicial proceedings are taken against the offender.

Prohibited fishing implements which cannot be converted into authorized fishing implements shall be confiscated without a judgement of the court and shall be destroyed.

**Article 25.** The scale of fines for offences under these Regulations and the Fishery Rules shall be as follows:

- Fines imposed by district fishery conservation inspectors: not more than 250 rubles for each individual and not more than 2,000 rubles for each undertaking, institution or organization;
- Fines imposed by directors of fishery conservation and pisciculture departments (divisions) and their deputies: not more than 500 rubles for each individual and not more than 5,000 rubles for each undertaking, institution or organization.

An appeal against the imposition of a fine may be lodged within fourteen days with the director next senior in rank, whose decision shall be final.

**Note.** See also: Penal Code, article 86 (supra, Chapter II, Section B, under USSR (b)).

**United Kingdom of Great Britain and Northern Ireland**

(a) **White Herring Fisheries Act, 1771**

11. And . . . all and every person or persons employed in the said Fisheries (b) may fish in any part of the British seas, and shall have and exercise the free use of all ports, harbours, shores and forelands in Great Britain, or the islands belonging to the Crown of Great Britain, below the highest high-water mark, and for the space of 100 yards on any waste or

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1 11 Geo. III, c. 31. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
uncultivated land beyond such mark, within the land, for landing their nets, casks, and other materials, utensils, and stores, and for erecting tents, huts and stages, and for the landing, pickling, curing, and reloading their fish, and in drying their nets, without paying any foreland or other dues, or any other sum or sums of money, or other consideration whatsoever, for such liberty (except as hereinafter is excepted), any law, statute, or custom to the contrary notwithstanding: And if any person or persons shall presume to demand or receive any dues, sums of money, or other consideration whatsoever, for the use of any such ports, harbours, shores, or forelands within the limits aforesaid, or shall obstruct the fishermen, or other persons employed in the taking or curing of fish, or drying their nets, in the use of the same, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and levied in manner hereinafter directed.

12. Provided always, that nothing in this Act contained shall extend to exempt the vessels or boats employed in the said fisheries from the payment of such harbour or pier dues as are, and by the law ought to be, demanded for ships, vessels, or boats in piers or harbours, which are built or artificially made, but that such harbour or pier dues shall be paid in like manner as the same was liable to be paid before the passing of this Act.

13. And . . . the penalty hereinafter mentioned shall and may be prosecuted and determined by bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland respectively; wherein no essoin, protection, privilege, wager of law, or more than one impeachment, shall be allowed, and one moiety of such penalty shall be to the use of His Majesty, and the other moiety to such person or persons as will sue for and prosecute the same.

(b) NORTH AMERICAN FISHERIES ACT, 1819

Convention with United States, dated October 20, 1818. Whereas a convention between His Majesty and the United States of America was made and signed at London on the twentieth day of October one thousand eight hundred and eighteen; and by the first article of the said convention, reciting that differences had risen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice however to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said article of the said convention agreed that the American fishermen should

2 See infra, Second Part, Chapter II, Treaty No. 1.
have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same or any portion thereof should be settled it should not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground: And whereas it is expedient that his Majesty should be enabled to carry into execution so much of the said convention as is above recited, and to make regulations for that purpose:

1. His Majesty in council may make regulations and give orders for carrying the convention into effect. It shall and may be lawful for His Majesty, by and with the advice of His Majesty's privy council, by any order or orders in council to be from time to time made for that purpose, to make such regulations, and to give such directions, orders, and instructions to the governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said convention, with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with British subjects, within the limits set forth in the said article of the said convention and herein-before recited; any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding.

2. Foreign vessels not to fish within a certain distance of any coasts, bays, etc. of British possessions in America not included in the limits specified in the convention; under penalty of confiscation—Saving as to vessels of any power entitled thereto by treaty. It shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for or to take, dry, or cure any fish of any kind whatever within three marine miles of any coasts, bays, creeks, or harbours whatever in any part of His Majesty's dominions in America, not included within the limits specified and described in the first article of the said convention and herein-before recited; and if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain or of the United Kingdom of Great Britain and Ireland: Provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or state in amity with His Majesty, who are entitled by treaty with His
Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act decribed.

3. American fishermen may enter such bays, etc., for the purpose of shelter, etc., subject to such restrictions as may be imposed to prevent abuse of privileges. Provided always, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said treaty and this Act reserved to them, and as shall for that purpose be imposed by any order or orders to be from time to time made by His Majesty in council under the authority of this Act, and by any regulations which shall be issued by the governor or person exercising the office of governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such order in council as aforesaid.

(e) Sea Fisheries Act, 1843

This Act is repealed by the Sea Fisheries Act, 1868 (c.45), s. 71 (repealed); but by the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (c. 42), s. 15 (repealed), it was enacted that notwithstanding anything contained in the Sea Fisheries Act, 1868 (c. 45), this Act, so far as regards French fishermen and French sea fishing boats, "shall be in force until the day when the Convention set out in the First Schedule to the Sea Fisheries Act, 1868 (c. 45)" (p. 183, post), "comes into operation"; and by the Sea Fisheries Act, 1883 (c. 22), s. 24, p. 210, post, it is provided that on certain conditions this Act may be repealed by Order in Council from a date fixed by the Order, but meanwhile it is to remain in force (unless the Convention set out in the First Schedule to the Sea Fisheries Act, 1868 (c. 45), p. 183, post, comes into operation) so far as concerns French sea-fishing boats and persons belonging thereto within the seas to which it applies, so far as those seas are outside British exclusive fishery limits and not in the North Sea as defined in that Act; and s. 30 and Second Schedule, Part I (repealed), of that Act repeal so much of the Schedule to this Act as prohibits any French fishing boat from approaching nearer to any part of the coast of the United Kingdom than the limit of three miles, and so much of the rest of this Act as relates to the portion of the Schedule thereby repealed.

The position at the date of going to press is unchanged, and the Act is in force to the extent indicated, but no further.

Whereas a Convention was concluded between Her Majesty and the King of the French on the second day of August in the year one thousand

eight hundred and thirty-nine ¹, defining the limits of the oyster fishery between the Island of Jersey and the neighbouring coast of France, and also defining the limits of the exclusive right of fishery on all other parts of the coasts of the British Islands and France: And whereas by the eleventh article of the said Convention it is stipulated and agreed, that “with a view to prevent the collisions which now from time to time take place on the seas lying between the coasts of Great Britain and of France between the trawlers and the line and long net fishers of the two countries, the High Contracting Parties agree to appoint, within two months after the exchange of the ratifications of the present Convention, a Commission, consisting of an equal number of individuals of each nation, who shall prepare a set of regulations for the guidance of the fishermen of the two countries in the seas above mentioned; the regulations so drawn up shall be submitted by the said Commissioners to the two Governments respectively for approval and confirmation; and the High Contracting Parties engage to propose to the legislatures of their respective countries such measures as may be necessary for the purpose of carrying into effect the regulations which may be thus approved and confirmed”:

And whereas, pursuant to the said convention, Commissioners duly appointed and authorized by Her Majesty and His Majesty the King of the French respectively have agreed upon certain Articles set forth in the schedule annexed to this Act ² for the guidance of the fishermen of the two countries in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland and those of the Kingdom of France, which Articles, in further fulfilment of the said Convention, have been approved and confirmed on the part of Her Majesty by one of Her Majesty’s Principal Secretaries of State, and on the part of His Majesty the King of the French by the Ambassador Extraordinary of His said Majesty to the Court of London:

12. Who shall have cognizance of offences by French subjects within the British fishery limits—Detention of vessel on non payment of penalty, or in lieu of penalty.

All offences against the said Articles, ² or against any rule of byelaw made in pursuance of this Act, committed by any subject of the King of the French, or any person serving on board any French fishing boat or vessel, within the limits within which the general right of fishery is by the said Articles exclusively reserved to the subjects of Her Majesty, may be heard and determined upon the oath of any credible witness or witnesses, or upon the confession of the party accused, by any magistrate or justice of the peace having jurisdiction in the county or place in which or in the waters adjacent to which the offence shall have been committed or to which the offender shall be brought; and the offender, upon conviction, shall pay such penalty not exceeding ten pounds as the magistrate or justice of the peace shall award, or instead of awarding a pecuniary penalty, and also in case of the nonpayment of any pecuniary penalty awarded, it shall be lawful for the magistrate or justice of the peace to order that the vessel to which the offender belongs shall be detained for any period not exceeding three calendar months.

¹ See infra, Second Part, Chapter II, Treaty No. 3.
² See infra, Second Part, Chapter II, Treaty No. 3 (a).
14. Compensation for damage. In all cases where the breach of any of the said Articles, or of any such rules or byelaws, by any of the subjects of the King of the French, within the limits within which the general right of fishery is by the said Articles exclusively reserved to the subjects of Her Majesty, or by any of Her Majesty's subjects, whether or not within the said limits, shall have caused any loss or damage to any other party or parties, it shall be lawful for any magistrate or justice of the peace before whom the offence shall be inquired into to take evidence of such loss or damage, and to award compensation to the injured party, and to enforce payment of such compensation in like manner as the payment of any pecuniary penalty for any offence against the said Articles may be enforced.

(d) Sea Fisheries Act, 1868

PART I

Preliminary

5. Interpretation. In this Act —

The term "sea-fishing boat" includes every vessel, of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman;

The term "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies; and the terms "Great Britain and Ireland" and "United Kingdom", as used in the first schedule to this Act, shall be construed to mean the "British Islands" as herein defined;

The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by Article one of the first schedule to this Act reserved to British subjects and French subjects respectively;

PART IV

Legal Proceedings

60. Provisions for giving jurisdiction to courts, as to offences on board sea-fishing boats, and offences committed by foreign subjects. For the purpose of giving jurisdiction to courts under this Act, the following provisions shall have effect:

(1) A sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship;

(2) The same court shall have power to exercise the jurisdiction conferred by this Act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject.

1 See infra, Second Part, Chapter II, Treaty No. 3 (a).

PART V

Miscellaneous

66. Power to provide, by Order in Council, for giving effect to conventions or treaties exempting from dues foreign sea-fishing boats entering British ports from stress of weather. Whereas by a convention concluded between the United Kingdom and France on the twenty-sixth day of January one thousand eight hundred and twenty-six it was, amongst other matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable; and doubts have arisen whether that part of the said convention has ever been confirmed by the authority of Parliament; and it is expedient to remove such doubts, and to enable Her Majesty to provide for the due execution of the said convention, and of any other like convention or treaty which may be made by Her Majesty; Be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, Her Majesty may by Order in Council direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such Order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly.

67. Power, by Order in Council, to give effect to byelaws of Irish Fishery Commissioners restricting or regulating the dredging for oysters on the Irish coast, outside the exclusive fishery limits of the British Islands—Length of close time. The Irish Fishery Commissioners may from time to time lay before Her Majesty in Council byelaws for the purpose of restricting or regulating the dredging for oysters on any oyster beds or banks situated within the distance of twenty miles measured from a straight line drawn from the eastern point of Lambay Island to Carnsore Point on the coast of Ireland, outside of the exclusive fishery limits of the British Islands; and all such byelaws shall apply equally to all boats and persons on whom they may be binding.

(e) Sea Fisheries Act, 2 August 1883

2. Confirmation of Convention. The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

EXCLUSIVE FISHERY LIMITS

7. Regulations as to foreign sea-fishing boats within exclusive fishery limits. (1) A foreign sea-fishing boat shall not enter within the exclusive fishery

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2 See infra, Second Part, Chapter I, Treaty No. 1.
limits of the British Islands, except for purposes recognised by international law, or by any convention, treaty, or arrangement for the time being in force between Her Majesty and any Foreign State, or for any lawful purpose.

(2) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(a) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;
(b) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;
(c) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.

(3) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, (fifty) pounds, and in the case of a second or any subsequent offence, (one hundred) pounds.

Notes

The words “fifty” and “one hundred” were substituted for “ten” and “twenty” by the Sea Fish Industry Act, 1938.

ENFORCEMENT OF ACT

11. Who are to be British and foreign sea-fishery officers. (1) The provisions of this Act and of any Order in Council under this Act or under the sections of the Sea Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers, either British or foreign.

(2) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty’s ships on full pay, every officer authorised in that behalf by the Admiralty, every British Consular Officer, every collector and principal officer of Customs in any place in the British Islands, and every officer of Customs in the British Islands authorised in that behalf by the Commissioners of Customs, every divisional officer of the coast-guard, and every principal officer of a coastguard station.

(3) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the Government of any Foreign State bound by the Convention, and any officer appointed by a Foreign State for the purpose of enforcing the Convention, or otherwise recognised by Her Majesty as a sea-fishery officer of a Foreign State.

12. Powers of British sea-fishery officers. For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:

(1) He may go on board it;
(2) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, article of agreement, muster rolls, and other documents relating to the boat, or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;

(3) He may muster the crew of the boat;

(4) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;

(5) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;

(6) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;

(7) He may examine by any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and

(8) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

13. Powers of British and foreign sea-fishery officers. For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that —

(a) Nothing in this section shall authorise a sea-fishery officer to do anything not authorised by the Convention; and

(b) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the state to which such boat belongs.

LEGAL PROCEEDINGS

18. Jurisdiction of courts. For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belong-
ing thereto, as such court would have if such boat were a British sea-fishing boat.

APPLICATION OF ACT

23. Extension of Act by Order in Council. If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea fisheries is made between Her Majesty and any Foreign State, it shall be lawful for Her Majesty by Order in Council to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the Convention referred to in this Act.

25. General application of Act. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by Article four of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a Foreign State bound by the Convention in the first schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective Courts.

28. Definitions. In this Act —

The expression "sea-fishing" shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression "sea fisherman" and other expressions relating to sea-fishing shall be construed accordingly;

The expression "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman;

The expression "fishing implement" means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea fishing;

The expression "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies;

The expression "exclusive fishery limits of the British Islands" means that portion of the seas surrounding the British Islands within which Her Majesty's subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of any convention, treaty, or arrangement for the time being in force between Her Majesty and any
Foreign State, includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined;

The expression "person" includes a body of persons corporate or unincorporate;

The expression "court" includes any tribunal or magistrate exercising jurisdiction under this Act.

(f) Sea Fisheries (Scotland) Amendment Act, 1885

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland.

4. When the [Fishery Board] for Scotland, herein-after called the Fishery Board, are satisfied that any mode of fishing in any part of the sea adjoining Scotland, and within the exclusive fishery limits of the British Islands, is injurious to any kind of sea fishing within that part, or where it appears to the Fishery Board desirable to make experiments or observations with the view of ascertaining whether any particular mode of fishing is injurious, or for the purposes of fish culture or experiments in fish culture, the Fishery Board may make byelaws for restricting or prohibiting, either entirely or subject to such regulations as may be provided by the byelaw, any method of fishing for sea fish within the said part, during such time or times as they think fit, and may from time to time make byelaws for altering or revoking any such byelaws.

A byelaw under this Act shall not be of any validity until it is confirmed by the [Secretary] for Scotland.

(g) Sea Fisheries Regulation Act, 1888

1. Establishment of sea fisheries districts and local fisheries committees. (1) The Board of Trade may from time to time on the application of a county council or borough council, by order,

(a) Create a sea fisheries district comprising any part of the sea within which Her Majesty's subjects have by international law the exclusive right of fishing, either with or without any part of the adjoining coast of England and Wales; and

(b) Define the limits of the district, and the area chargeable with any expenses under this Act; and

(c) Provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

and may from time to time (by a subsequent order made on like application or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or

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2 Restricted, 11 & 12 Geo. 6 c. 51. s. 1(1).
3 Fishery Board terminated and powers, etc., transferred to Secy. of State, 2 & 3 Geo. 6 c. 20.
4 Now Secy. of State, 16 & 17 Geo. 5 c. 18. s. 1 (1).
revoked) any order made under this section, or unite two or more districts or parts of districts into a separate district, or dissolve any district that may have been formed.

2. Byelaws for regulation of sea fisheries. ¹ (1) A local fisheries committee for a sea fisheries district may from time to time, subject to such regulations as may be made in that behalf by the Board of Trade, make byelaws, to be observed within their district, for all or any of the following purposes, namely,

(a) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, and dimensions of any instrument of fishing for sea fish;

(b) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing; and

(f) For repealing or amending any byelaw made in pursuance of this Act.

6. Appointment and powers of fishery officers. (1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee: Provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the laws and regulations affecting vessels engaged in sea fishing.

(2) For the purpose of enforcing those byelaws, every such fishery officer may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of salmon conservators, or of a harbour authority,

(a) Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaws; and

(b) Search and examine all instruments used in catching or carrying fish; and

(c) Seize any sea fish or instrument (taken or used in contravention) of any such byelaws.

(3) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow any such officer to exercise the powers conferred upon him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall for every such offence be liable on summary conviction to a fine not exceeding (fifty) pounds.

(4) For the enforcement of the provisions of any such byelaws, every such officer shall be deemed to be a constable, and to have the same powers

¹ In connexion with this section, see: Sea Fisheries (Shell Fish) Regulation Act of 1894, section 1 (ibid., p. 242).
and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute.

(h) **Herring Fishery (Scotland) Act, 1889**

2. This Act extends only to Scotland, and to the parts of the sea adjoining Scotland.

6. (1) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland, nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by byelaws (made under this section) for Scotland, and subject to any conditions or regulations made by those byelaws. Provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided also, that nothing herein contained shall affect the powers (made under this section) under section four of the Sea Fisheries (Scotland) Amendment Act, 1885.

7. (1) The [Fishery Board] may, by byelaw, or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rat-tray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section...

**SCHEDULE**

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudha na Cathair (Mull of Ge) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiumpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

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Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunân, on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth, Fraserburgh Bay, Montrose Bay, Moray Firth (upper parts of), Aberdeen Bay, Saint Andrew's Bay, Firth of Forth (all as specified in the existing byelaws of the Fishery Board).

(i) **ORDER IN COUNCIL, 6 APRIL 1889 (REGULATIONS FOR MAINTAINING ORDER AMONG FISHERMEN)**

Whereas by the Sea Fisheries Act, 1883, it is provided that it shall be lawful for Her Majesty, from time to time by Order in Council, to make, alter, and revoke regulations for carrying into execution the said Act and the intent and object thereof, and for the maintenance of good order among sea-fishing boats and the persons belonging thereto, and to impose fines, not exceeding ten pounds, for the breach of such regulations:

And whereas it is by the seventh section of the said Act provided that, if a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands, such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed, and also that, in the event of any contravention of the said section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds:

And whereas it has been made to appear to Her Majesty that it is expedient to make regulations for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose fines, not exceeding ten pounds, for the breach of such regulations, and to make regulations to be duly observed when a foreign sea-fishing boat enters such exclusive limits as aforesaid.

Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased

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1 **Text of Order provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.**
to make the regulations which are set forth in the schedule annexed hereto, and to direct that the same shall come into and be in force on and after the first day of July 1889.

SCHEDULE

Regulations

1. No person on board of or belonging to any British sea-fishing boat shall discharge or present any fire-arm, or discharge or throw any stone, ballast, coal, bottle, missile, or thing at any other sea-fishing boat or boats, or at any person or persons on board of or belonging to any sea-fishing boat or boats, or shall use any threatening, abusive or obscene language to, or attack, intimidate, or molest any other person or persons on board of or belonging to any sea-fishing boat or boats, or do any act likely to provoke a breach of the peace between himself and any other person or persons on board of or belonging to any sea-fishing boat or boats, or between persons on board of or belonging to any sea-fishing boat or boats, or incite any other person or persons to do any of the aforesaid things.

2. The master or person for the time being in charge of any British sea-fishing boat shall use every endeavour and take all reasonable means in order to secure that the persons on board of or belonging to his boat duly observe the regulation numbered 1 and to prevent them from committing any breach thereof.

3. Every person committing or guilty of any breach of the foregoing regulations shall forfeit and pay for each and every breach thereof the sum of ten pounds.

4. The court or tribunal before which any person may be found guilty of any such breach as in the 3rd regulation mentioned may mitigate the said fine of ten pounds by such sum as shall be an adequate penalty for the offence committed.

5. Whenever a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands, no person on board of or belonging to any such boat shall discharge or present any fire-arm, or discharge or throw any stone, ballast, coal, bottle, missile, or thing at any other vessel or vessels, boat or boats, or at any person or persons on board of or belonging to any vessel or vessels, boat or boats, or shall use any threatening, abusive, or obscene language to, or attack, intimidate, or molest any other person or persons belonging to or on board of any other vessel or vessels, boat or boats, or do any act likely to provoke a breach of the peace between himself and any other person or persons on board of or belonging to any vessel or vessels, boat or boats, or between persons on board of or belonging to any vessel or vessels, boat or boats, or incite any other person or persons to do any of the aforesaid things.

6. These regulations shall apply only to any place or places not being on the land.

7. In this Order the words and expressions used shall have the same meaning as they have in Sea Fisheries Act, 1883.
(j) Fisheries Act, 1891

PART I

Belgian Declaration and Sea Fisheries Act, 1883

5. Forfeiture for offence against 46 & 47 Vict. c. 22, s. 7. In the event of any contravention of section seven of the Sea Fisheries Act, 1883, on the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shown to have been taken or used by any person belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited.

PART II

Sea Fisheries Regulation Act, 1888

8. Jurisdiction as to offences. Where any offence under the Sea Fisheries Regulation Act, 1888, or under any byelaw made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

(k) Sea Fisheries Regulation (Scotland) Act, 1895

2. This Act shall apply to Scotland only, and to the parts of the sea adjoining Scotland, or within the jurisdiction of the (Fishery Board for Scotland).

10. (1) The (Fishery Board) may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used in any area or areas under the jurisdiction of Her Majesty, within thirteen miles of the Scottish coast, to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section. Provided that the powers conferred in this section shall not be exercised in respect to any areas under Her Majesty's jurisdiction lying opposite to any part of the coasts of England, Ireland, or the Isle of Man, within thirteen miles thereof.

3 Fishery Board terminated and powers, etc., transferred to Secy. of State, 2 & 3 Geo. 6, c. 20.
(3) Provided that no area of sea within the said limit of thirteen miles shall be deemed to be under the jurisdiction of Her Majesty for the purposes of this section unless the powers conferred thereby shall have been accepted as binding upon their own subjects with respect to such area by all the States signatories of the North Sea Convention, 1882.

19. (1) A fishery district committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the law and regulations affecting vessels engaged in sea fishing.

(2) For the purpose of enforcing those byelaws every such fishery officer may, within the limits of the district, or of any fishery district —

(a) Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance, the deposit or discharge of which is prohibited or regulated by any such byelaws; and

(b) Search and examine all instruments used in catching or carrying fish; and

(c) Seize any sea fish or instrument liable to be forfeited in pursuance of any such byelaws.

(3) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow any such officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding five pounds.

(l) Whale Fisheries (Scotland) Act, 1907 and 1922

1. No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on summary conviction to a penalty not exceeding five hundred pounds.

2. It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions:

(5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the

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1 Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
2 As amended by section 27 of the Sea Fish Industry Act, 1951 (14 & 15 Geo. 6, Ch. 30).
prosecution of the whaling industry before the first day of January one
thousand nine hundred and seven;

3. (1) No holder of a licence or person employed by him shall in the
prosecution of the whaling industry use any vessel, other than the whaling
steamer from or by which a whale shall have been captured or killed, for
the purpose of bringing or towing such whale to or towards any factory or
station for manufacture.

(4) No person shall pursue, kill, or shoot at any whale within three
miles of low-water mark of any part of the coast of Scotland, and no holder
of a licence or person employed by him shall pursue, kill, or shoot at any
whale within the distance of one mile from any boat or vessel lying at
anchor or engaged in fishing.

(6) No holder of a licence or person employed by him shall in any
year pursue, kill, or shoot whales between the first day of November and the
thirty-first day of March, both days inclusive, or pursue, kill, or shoot
whales within a distance of forty miles from low-water mark of any part
of the coast of Scotland within such limits and during such period, not
exceeding in any case five weeks during the summer herring fishing, as the
Board may from time to time prescribe.

(7) In this section the expression “mile” means a nautical mile.

(m) TRAWLING IN PROHIBITED AREAS PREVENTION ACT, 1909

1. Landing and selling of fish illegally, caught prohibited. It shall not be
lawful to land or sell in the United Kingdom any fish caught by the methods
of fishing known as beam trawling and otter trawling within prohibited
areas as defined in this Act; ...

5. Definition of prohibited area. In this Act the expression “prohibited
area” means —

(1) Any waters within which the methods of fishing known as beam
trawling and otter trawling are prohibited by the Herring Fishery (Scot-
land) Act, 1889, or any byelaw made thereunder, but does not include any
such waters within three miles from low-water mark of any part of the
coast of Scotland, unless such waters form part of an area which, as defined
for the purposes of the said Act or byelaw, extends more than three miles
from low-water mark as aforesaid;

(2) Any waters within which the use of the method of fishing known
as beam trawling or other trawling in or from any steamer or steamship or
vessel propelled by steam is prohibited by any byelaw made under section
three of the Steam Trawling (Ireland) Act, 1889, but does not include any
such waters within three miles from low-water mark of any part of the coast
of Ireland, unless such waters form part of an area which, as defined for

the purposes of the byelaw, extends more than three miles from low-water mark as aforesaid.

4. Size limits for fish...

(4) Where, in the course of any fishing operations conducted by means of a fishing-boat, any sea-fish of any description which are of less than the minimum size prescribed in relation to sea-fish of that description by any order under subsection (1) of this section are taken on board the boat, those fish shall be returned to the sea forthwith:

Provided that the preceding provisions of this subsection shall not apply in relation to fishing operations which, under the authority of one of the appropriate Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(5) The last preceding subsection shall apply to all fishing-boats within the limits of the territorial waters adjacent to the United Kingdom and also to British fishing-boats registered in the United Kingdom, wherever they may be; and if that subsection is not complied with in the case of any fishing-boat, the master, the owner and the charterer (if any) shall each be liable on summary conviction to a fine not exceeding fifty pounds, and the court by which the offender is convicted may order the forfeiture of any fish in respect of which the offence was committed.

4a. Powers of British sea-fishery officers. Any British sea-fishery officer may exercise, with respect to any fishing-boat within the limits of the territorial waters adjacent to the United Kingdom and with respect to any British fishing-boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the appropriate Ministers, being powers which the said Ministers consider necessary for the enforcement of sections three and four of this Act, and of any orders under those sections; and for the purpose of an order under this section —

(a) section twelve of the Sea Fisheries Act, 1883, shall apply as if any reference in paragraph (7) of that section to that Act or to an Order in Council thereunder included a reference to sections three and four of this Act or to an order under either of those sections, as the case may be;

2. Prohibition of catching or treating whales within United Kingdom waters.

It shall be unlawful for any ship to be used within the coastal waters of the United Kingdom for taking or treating whales, and if any ship is so used, it shall be unlawful for any ship to be used within the coastal waters of the United Kingdom for taking or treating whales, and if any ship is so used,

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2 Ibid., p. 355 et seq.
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the master shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

8. **Powers of whale fishery inspectors.** (1) For the purpose of enforcing the provisions of this Act, a whale factory inspector, on producing on demand evidence of the fact that he is such an inspector, —

(a) May board or enter any ship or factory which he has reason to believe is used for taking or for treating whales, and inspect the ship or factory and its plant and equipment; and

(b) May, in the case of such a ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

12. **Exemption of whaling operations carried on in coastal waters of certain British possession, etc.** His Majesty may by Order in Council direct that subject to such conditions, if any, as may be specified in the Order, any of the foregoing provisions of this Act which restricts the taking or killing of whales or the use of ships shall not apply in relation to anything done within the coastal waters of —

(a) A country or part of His Majesty's dominions to which this Act may be extended by virtue of the next following section, or

(b) A British protected state,

if there is in force, as respects those coastal waters, a provision of the local law which appears to His Majesty substantially to correspond with the aforesaid provision of this Act.

13. **Extension to British possessions, etc.** (1) His Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations or modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or any colony.

17. **Interpretation, and saving for certain enactments.** (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:

"British ship to which this Act applies" means a British ship which is not registered in —

(a) Any of the following Dominions, that is to say: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Irish Free State; or

(b) A territory administered by His Majesty's Government in any of the Dominions aforesaid; or

(c) India . . .

"coastal waters" means, in relation to any country or territory, waters within a distance of three nautical miles from any point on the coast of any
part of that country or territory, as the case may be, measured from low-water mark of ordinary spring tides;

"ship" has the same meaning as in the Merchant Shipping Act, 1894.

(p) **Whaling Industry (Regulation) Act (Newfoundland, Colonies, Protectorates and Mandated Territories) Order, 1936**

1. The provisions of the Act (a) (except Sections 9 (2) and 15, and except in so far as the Act requires, authorises, prohibits, or restricts the doing of anything in the United Kingdom or in the coastal waters thereof) shall extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the following adaptations and modifications, that is to say:

   (c) The provisions of the Act shall not apply to aborigines dwelling on the coasts of any of the territories mentioned in the First Schedule to this Order provided that —
   (1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;
   (2) They do not carry firearms;
   (3) They are not in the employment of persons other than aborigines;
   (4) They are not under contract to deliver the products of their whaling to any third person.

2. The provisions of the Act (a) which are expressed to apply only to British ships shall apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order.

3. Sections 3 and 4 of the Act shall not apply in relation to anything done within the coastal waters of any territory mentioned in the Second Schedule to this Order.

   **FIRST SCHEDULE**

   Aden — (a)
   Bahamas
   Barbados
   Bermuda
   British Guiana
   British Honduras
   Ceylon
   Cyprus
   Falkland Islands and Dependencies
   Fiji
   Gambia (Colony and Protectorate)
   Gibraltar

Gold Coast Colony
Hong Kong
Jamaica (including Turks and Caicos Islands and the Cayman Islands)
Kenya (Colony and Protectorate)
Leeward Islands — (b)
Antigua
Montserrat
St. Christopher and Nevis
Virgin Islands
Malta
Mauritius
Nigeria —
  Colony
  Protectorate
  Cameroons under British Mandate
Palestine (excluding Trans-Jordan)
St. Helena and Ascension
Seychelles
Sierra Leone (Colony and Protectorate)
Somaliland Protectorate
Straits Settlements
Tanganyika Territory
Trinidad and Tobago
Western Pacific, Islands of —
  British Solomon Islands Protectorate
  Gilbert and Ellice Islands Colony
Windward Islands —
  Grenada
  St. Lucia
  St. Vincent
  Dominica — (b)
Zanzibar Protectorate

SECOND SCHEDULE

Newfoundland
Ceylon
Falkland Islands and Dependencies

(q) WHITE FISH AND HERRING INDUSTRIES ACT, 1948

1. (1) Whereas a Convention providing (among other matters) for the regulation of the meshes of fishing nets was signed in London on the fifth day of April, nineteen hundred and forty-six, on behalf of His Majesty's Government in the United Kingdom:

And whereas it is necessary, for the purpose of giving full effect to the said Convention, to extend the powers conferred by section three of the Sea-Fishing Industry Act, 1933, as amended by section thirty-eight of the Sea Fish Industry Act, 1938, to regulate the mesh of fishing nets carried in

1 11 & 12 Geo. 6, Ch. 51. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.
British fishing boats, so as to be exercisable in the territorial waters adjacent to the United Kingdom as well as outside those waters:

Now, therefore, paragraph (a) of subsection (3) of the said section three as so amended (which excludes the territorial waters adjacent to the United Kingdom from the operation of any order made under that section) shall cease to have effect, and nothing in any byelaw, rule, order or regulation made under the Fisheries (Ireland) Act, 1842, section four of the Sea Fisheries (Scotland) Amendment Act, 1885, section two of the Sea Fisheries Regulation Act, 1888, section six of the Herring Fisheries (Scotland) Act, 1889, or section eight of the Sea Fisheries Regulation (Scotland) Act, 1895, shall be taken to authorise the carrying of fishing nets in circumstances where the carrying of those nets would otherwise be unlawful by virtue of an order made under the said section three.

(2) With a view to enforcing any order made under the said section three as amended by the preceding subsection, any fishery officer of a local fisheries committee constituted by an order under section one of the Sea Fisheries Regulation Act, 1888, may, within the district of the committee, go on board any British fishing boat (within the meaning of that section) registered in the United Kingdom and search for and examine all fishing nets carried in that boat, and may seize any net in respect of which a contravention of an order under this section has been, or is being, committed; and a local fisheries committee may take proceedings in respect of any contravention of the said section three as so amended occurring within the district of the committee.

2. ... (5) Any person who, by virtue of section eleven of the Sea Fisheries Act, 1883, is a British sea-fishery officer may seize any net and gear used in contravening subsection (1) of this section, and may exercise, with respect to any fishing boat within the limits of the territorial waters adjacent to Great Britain in the North Sea and with respect to any British fishing boat registered in the United Kingdom in any part of the North Sea, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of subsection (1) of this section...

Note. See also: Salmon and Freshwater Fisheries (Protection) (Scotland) Act (supra, Chapter I, under United Kingdom (a)); River Boards Act, 1948, section 5 (supra, Chapter II, Section A, under United Kingdom (e)); Salmon and Freshwater Fisheries Act, 1923 (supra, Chapter II, Section B, under United Kingdom (b)).

British Honduras

FISHERIES REGULATIONS, 1948¹, AS AMENDED²

PART I

Crawfish

3. No person shall take, kill or capture any crawfish within the waters of the Colony —

¹ British Honduras Statutory Instruments, 1948-51, No. 58.
² By Statutory Instruments No. 17 of 1953 (Statutory Instruments of British Honduras for the year 1953) and No. 55 of 1954 (ibid., for the year 1954).
(i) If the cape length of the same be less than $3\frac{1}{2}$ inches or the tail weight be less than 4 ounces;
(ii) Between the 14th day of March and the 14th day of July, inclusive, in any year...

4. No person shall, within the waters of the Colony, take, kill or capture any crawfish in spawn.

\[\text{PART III} \]

\textit{Turtle}

10. No person shall take or capture or attempt to take or capture, or have in his possession any turtle or turtle eggs during the period from 1st day of June to 31st day of August, inclusive, in any year or take or capture or attempt to take or capture any turtle or turtle eggs as aforesaid at any time when the same shall be found on the shores of the Colony and the adjacent cayes thereof.

11. No person shall set, or attempt to set, within one hundred yards of the shores of the Colony, and the adjacent cayes thereof any net or seine, or other instrument whatsoever for the purpose of, or with the intent of taking, capturing, or fishing for turtle.

\[\text{British Solomon Islands} \]

\textit{TROCAS SHELL-FISHING REGULATION, 20 July 1920}\textsuperscript{1}

3. (1) No vessel other than a vessel owned or operated by natives fishing exclusively for their sole benefit shall be employed in fishing for Trocas Shell (sometimes known locally as lala shell) in any Protectorate waters, or in removing any Trocas Shell from any land in the Protectorate or from the sea bed within Protectorate waters unless such vessel be licensed for trading in accordance with the Licence Regulation.

4. No person shall by himself or his servants or agents remove from any reef or shore in the Protectorate, or from the Protectorate waters, or sell, or expose or offer for sale, or purchase, or export or attempt to export, or cause or permit to be exported from the Protectorate, or otherwise deal with any Trocas Shell (sometimes known locally as lala shell) which, at the time of such removal, sale, purchase, export or other dealing with, has not attained a size of two and a half inches in diameter as measured across the base, or such other size as may from time to time be in substitution therefor prescribed by the Resident Commissioner by Proclamation published in the Gazette. Provided that nothing in this section contained shall apply to Trocas Shell imported into the Protectorate for the purpose of exportation.

3. Subject to the provisions of this Ordinance the Governor in Council may from time to time by order make regulations applicable to the whole or any part of the Colony or its fresh waters or to Colonial waters or to the whole or any part of the Dependencies or their territorial waters as to all or any of the following matters —

(a) Prescribing close seasons within which it shall not be lawful to fish for all or any particular fish;

(b) Prohibiting, restricting or regulating the fishing for all or any particular fish in any specified locality;

(c) Prohibiting, restricting or regulating any method or means of fishing, and the use for fishing of any gear, material, instruments, or things and authorising the seizure of gear, material, instruments or things of which the use for fishing is for the time prohibited, restricted, or regulated;

(d) Prohibiting, restricting or regulating the removal, transfer, sale or purchase of any fish, and the removal, transfer, sale or purchase of any material or substance or thing manufactured from fish;

(e) Prohibiting, restricting, or regulating the manufacture, curing or preservation for any purpose of any fish or material or substance derived or extracted from fish and the conditions and methods of such operations;

(f) Prohibiting, restricting or regulating the import or export of fish, or any material, substance or thing manufactured from fish;

(g) Regulating the import, export, fishing for or possession or sale of any fish for scientific purposes;

(h) Prescribing the forms, conditions and duration of licences and permits, by whom, to whom, in what circumstances and on what conditions they are to be issued, the fees to be paid therefore, the royalties to be paid on the fish captured, the register to be kept by the holders and the returns to be made;

(i) Generally for the carrying into effect of any of the provisions or purposes of this Ordinance.

4. No person shall, unless he is in possession of a valid licence, either —

(a) Fish in the fresh or territorial waters of the Colony or Dependencies for any fish for the purpose of export; or

(b) Export from the Colony or Dependencies any fish or substance or thing manufactured from fish which has been landed, transhipped, cured, preserved, or treated in the Colony or Dependencies or within territorial waters.

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2. In this Ordinance, unless the context otherwise requires —

“territorial waters” means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of the Colony.

(2) Every licence granted under this Ordinance shall terminate on the thirty-first day of December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as the licensing officer shall think fit to endorse thereon in accordance with this Ordinance or any regulations made thereunder.

(3) No person shall take fish in the territorial or inland waters of the Colony for the purpose of sale or barter unless he is the holder of a licence to take fish:

Provided that a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence.

(4) No licence to take fish in the territorial or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in His Majesty's dominions.

7. (1) The Governor in Council may make regulations—

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in the territorial or inland waters of the Colony or in any specified part thereof;

8. (1) Any person who, being required to be the holder of a licence, takes or attempts to take fish in the territorial or inland waters of the Colony or is in possession of fishing apparatus in such circumstances as to satisfy the Court before which he is tried that he intended to use the apparatus for the purpose of taking or destroying fish without being licensed under this Ordinance shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Amended by 2 of 1945, s. 133).

(2) Any person who —

(a) Being the holder of a licence under this Ordinance, fails to comply with any of the conditions of his licence; or

(b) Commits any offence against this Ordinance for which no special penalty is provided; or

(c) Contravenes or fails to comply with the provisions of any regulation made hereunder,

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2 By Fisheries (Amendment) Ordinances Nos. 20 of 1949 and 8 of 1951
shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Substituted by 14 of 1943, s. 4 and amended by 2 of 1945, s. 133.)

(3) The master and the owner of any fishing vessel registered elsewhere than in His Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of the Colony shall be liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties. (Amended by 14 of 1943, s. 5 and 2 of 1945, s. 133.)

**Gilbert and Ellice Islands**

**FISHERIES ORDINANCE, 1 APRIL 1946**

2. In this Ordinance, unless the context otherwise requires —

"territorial waters" means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast or bounding any lagoon waters adjacent to such coast, or, when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial, lagoon or inland waters of the Colony.

(3) No person, other than a native resident in the Colony, shall take fish in the territorial, lagoon or inland waters of the Colony for the purpose of sale or barter unless he is the holder of a licence to take fish;

Provided that a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence.

(4) No licence to take fish in the territorial, lagoon or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in His Majesty's dominions except with the permission of the High Commissioner and upon such conditions as he may deem fit to impose.

**Kenya**

(a) **CROWN FISHERIES ORDINANCE, 9 JUNE 1902**

2. It is not lawful for any person, unless he is authorized by the Governor, to take, acquire, win, carry away or export —

(1) Pearls, pearl or mother-of-pearl shells or shellfish containing or believed to contain pearls or mother-of-pearl;

(2) Bèche-de-mer (for commercial purposes);

(c) Ambergris,

in or from the fisheries, or from any shore or banks in or about the Colony or the territorial waters thereof.

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(b) Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, 1952 (Government Notice No. 1338 of 5 December 1952) ¹

1. These Rules... shall apply to the whole of the Colony and the territorial waters (excluding inland waters).
2. In these Rules unless the context otherwise requires —
   "boat" means any vessel of any description;
   "District Commissioner" includes any District Officer, Liwali or Mudir authorized by a District Commissioner to exercise the functions of a District Commissioner under these Rules;
   "fishing" means to capture, kill, snare or trap any fish, and shall be deemed to include any action taken preliminary and immediately subsequent to such capturing, killing, snaring or trapping but shall not include the capture of fish by means of rod and line (held in the hand);
   "register" means the register of registered fishing boats maintained by a Fishery Inspector or District Commissioner hereunder.

4. No person shall use for fishing any boat, the owner of which engages in fishing wholly or partially for a livelihood, unless such boat is for the time being registered with a Fishery Inspector or District Commissioner in accordance with the provisions of these Rules.

8. Any Fishery Inspector or District Commissioner may if he considers it in the interests of the conservation of fish so to do, refuse to register any boat or change of ownership as aforesaid or cancel the registration of any boat:
   Provided that any person aggrieved may appeal against such refusal or cancellation to the Provincial Commissioner of the Coast Province, whose decision shall be final.

(c) Fish Protection (Oysters) Rules, 1952 (Government Notice No. 1339 of 5 December 1952) ²

1. These Rules... shall apply to the territorial waters of Kenya.
2. In these Rules —
   "fish for" includes winning or taking, removing or carrying away or exporting by any means whatsoever;
   "licence" means a licence issued under these Rules;
   "licensee" means any person holding a valid licence issued under these Rules;
   "oyster" means any mollusc of all species of the genus ostrea.

3. (1) No person shall, subject to the provisions of sub-rule (4) of this rule, fish for any oyster otherwise than for his own consumption unless in possession of a valid licence to do so.

4. Any licence may, in addition to the licensee, permit, to a maximum number to be specified therein, the servants, agents or employees of such licensee to fish for oysters pursuant to such licence:

Provided that on every occasion when any such licensee is not present at and supervising such fishing every such servant, agent or employee shall be in possession of an authority in writing, containing his name and that of the license and the number of the licence, correctly dated and signed by the licensee, and such authority shall be produced upon demand to any of the persons specified in section 8 of the Ordinance.

Federated Malay States

FISHERIES ENACTMENT, 1937

14. (i) The Ruler in State Council of each State may in respect of the State of which he is Ruler make rules for the purposes of this Enactment and not inconsistent with any of the provisions of this Enactment.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may —

(e) Prescribe the areas within or without territorial waters or within tidal waters or within inland waters and the periods of time within which fish or any particular species or size of fish may not be killed, captured or taken;

(f) Prescribe the areas within or without territorial waters or within tidal waters or within inland waters and the periods of time within which any particular method of fishing is prohibited or restricted;

(g) Prohibit except in accordance with the terms and conditions of a licence the capture, killing or taking of fish or any particular species or size of fish in any specified areas in inland waters or within or without territorial or tidal waters;

Malta

FISH INDUSTRY ACT, 1953

4. (1) No person on board a foreign fishing boat shall fish or attempt to fish while the boat is within the territorial waters of Malta.


(2) If a foreign fishing boat, having on board fishing implements of any kind, anchors without just cause (the proof whereof shall lie on the skipper) anywhere within the territorial waters of Malta, except inside the Valletta Grand Harbour, the skipper of the boat shall be deemed to be fishing.

(3) In the event of any contravention of this section, besides the fine imposed by this Act, the Court shall, on conviction, order the forfeiture of any fish that may be on board of the boat concerned at the time of the offence.

10 (1) For the purpose of enforcing the provisions of this Act and any Regulations and Orders made thereunder, a Fishery Officer may, with respect to any foreign fishing boat when within territorial waters, and with respect to a locally registered fishing boat anywhere, exercise the following powers:

(i) Go on board;
(ii) Require the skipper to produce any certificate of registry and other documents pertaining to the boat;
(iii) Seize such documents and order the skipper to take his boat into harbour.

(2) For the purposes of this section, any Police officer or any Officer of Customs and Excise shall exercise any of the powers conferred by this section on Fishery Officers.

North Borneo

(a) **Boats and Fisheries Ordinance, 30 April 1914**¹

8. (1) No person shall erect, maintain or use any kind of fishing stake or shall set any floating net within the waters of the Colony before obtaining a licence in such behalf from the Harbour Master.

9. (1) No boat or other vessel, except a boat or vessel owned and manned solely by natives, shall be used to catch fish, or to collect sea produce, in territorial waters or to convey within territorial waters fish or produce caught or collected in waters adjacent to the Colony, except under licence from the Harbour Master issued to the owner of such boat or vessel.

(b) **Pearl Oyster Shell Fishery Ordinance, 1 February 1916**²

5. (1) No person shall use or employ any vessel in pearl oyster shell fishery within the waters of the Colony unless such vessel is duly licensed as hereinafter provided.

2. This Ordinance shall extend to all rivers, whether tidal or otherwise, and all waters of the Colony within one marine league of the coast.

7. Any offence against this Ordinance or any regulation made thereunder committed at sea shall be deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

United States of America

(a) Joint Resolution to Authorize Compacts or Agreements Among States Bordering on the Atlantic Ocean with Respect to Fishing in the Territorial or Inland Waters

Section 667a. State compacts for regulation of fishing in territorial or inland waters

The consent of Congress is given to any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, to enter into compacts or agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the uniform, common, or mutual regulation of fishing or of any species of fish, mollusks, or crustacea in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border or to which their jurisdiction otherwise extends and of anadromous fish spawning in the inland waters of those States.

The consent of Congress is granted to States other than those specified but which have jurisdiction over inland waters frequented by anadromous fish of the sea to enter into compacts or agreements authorized by this section.

The consent of Congress is given to any of the aforementioned States to establish such agencies or authorities, joint or otherwise, as they may deem desirable for making effective compacts or agreements authorized by this section.

Any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States and by the Congress of the United States.

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1 Trinidad and Tobago Revised Ordinances, 1950, vol. III, ch. 25, No. 9, p. 564, 566.
Section 221. Fishing areas; closed season; limitation on fishing

For the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of the Interior from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable.

Section 222. Unlawful fishing in areas; no exclusive rights to be granted; citizens

From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: Provided, That every such regulation made by the Secretary of the Interior shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of the Interior.

Section 222a. Commercial salmon fishing by nonresidents prohibited

In the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall be a citizen of the United States and shall have theretofore continuously resided for the period of at least two years within said area; but for the salmon fishing season of 1938, residence within said area continuously after June 1, 1937, shall be deemed sufficient compliance with the residence requirements of this section.

Section 223. Prohibited areas in creeks, streams, rivers, etc., not affected

The right herein given to establish fishing areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of sections 221-228 and 232-234 of this title, but the Secretary of the Interior through the creation of such areas and the establishment of closed seasons may further extend the restrictions and limitations imposed upon fishing by specific provisions of the above-mentioned sections or any other law.

Section 223a. Taking of fish or shellfish for bait purposes

The Secretary of the Interior is authorized to permit the taking of fish or shellfish, for bait purposes only, at any or all seasons in any or all Alaskan Territorial waters.

Section 223b. Lease of bottoms for oyster cultivation

The Secretary of the Interior, in his discretion, and upon such terms and conditions as he may deem fair and reasonable, is authorized to lease bottoms in Alaskan Territorial waters for bona fide oyster cultivation for commercial purposes.

Section 225. Escapements in salmon runs; percentage of runs which may be taken

In all creeks, streams, or rivers, or in any other bodies of water in Alaska, over which the United States has jurisdiction, in which salmon run, and in which there exists racks, gateways, or other means by which the number in a run may be counted or estimated with substantial accuracy, there shall be allowed an escapement of not less than 50 per centum of the total number thereof. In such waters the taking of more than 50 per centum of the run of such fish is prohibited. It is declared to be the intent and policy of Congress that in all waters of Alaska in which salmon run there shall be an escapement of not less than 50 per centum thereof, and if in any year it shall appear to the Secretary of the Interior that the run of fish in any waters has diminished, or is diminishing, there shall be required a correspondingly increased escapement of fish therefrom.

Section 226. Violation of fishing laws; punishment; forfeiture

Any person, company, corporation or association violating any provisions of sections 221-228 or 230-241 of this title, or of any regulation made under authority of said sections shall, upon conviction thereof be punished by a fine not exceeding $5,000 or imprisonment for a term of not more than ninety days in the county jail or by both such fine and imprisonment, and in case of the violation of section 233 of this title there may be imposed a further fine not exceeding $250 for each day the obstruction therein declared unlawful is maintained. Every boat, seine, net, trap, and every other gear and appliance used or employed in violation of said above-mentioned sections and all fish taken therein or therewith shall be forfeited to the United States and shall be seized and sold under the direction of the court in which the forfeiture is declared at public auction and the proceeds thereof after deducting the expenses of sale shall be disposed of as other fines and forfeitures under the laws relating to Alaska. Proceedings for such forfeiture shall be in rem under the rules of admiralty.

Section 227. Employees of Fish and Wildlife Service as peace officers

For the purposes of sections 221-228 and 232-234 of this title all employees of the Fish and Wildlife Service, designated by the Director, shall be considered as peace officers and shall have the same powers of arrest of persons and seizure of property for any violation of the provisions of said sections as have United States marshals or their deputies.
Section 236. Waste or destruction of food fish

It shall be unlawful for any person, company, or corporation wantonly to waste or destroy salmon or other food fishes taken or caught in any of the waters of Alaska.

Section 243. Fishing by aliens; sales to aliens

It shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: Provided, however, That nothing contained in sections 243-247 of this title shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: Provided further, That nothing contained in said sections shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with the canning, salting, or otherwise preserving of fish: Provided further, That any person owing allegiance to the United States shall not be considered an alien for the purposes of said sections.

Section 244. Same; penalties; liability of vessels

Every person, company, corporation, or association found guilty of a violation of any provision of sections 243-247 of this title or of any regulation made thereunder shall, for each offense, be fined not less than $100 nor more than $500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of said sections or of any regulation made thereunder shall be liable to a fine of not less than $100 nor more than $500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

Section 245. Same; jurisdiction of prosecutions

The violation of any provision of sections 243-247 of this title or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

Section 246. Same; searches and seizures of vessels; arrests

The collector of customs of the Territory of Alaska is authorized to search and seize every foreign vessel and arrest every person violating any provision of sections 243-247 of this title or any regulation made thereunder, and the Secretary of the Interior shall have power to authorize officers of the Navy and of the Coast Guard and agents of the Department of the Interior to
likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which the aforesaid sections apply, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of such sections until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 245 of this title and shall be held by him subject to the proceedings provided for in section 244 of this title. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

(c) Regulations concerning the Alaska Commercial Fisheries, Bristol Area

Section 104.1. Definition. The Bristol Bay area is hereby defined to include all territorial coastal and tributary waters of Alaska from Cape Newenham to a point on the coast 3 statute miles south of Cape Menshikof.

Section 104.2. Districts open. Fishing is prohibited except within the following described districts:

(a) Nushagak district: Waters of Nushagak Bay within a line from the cabin known locally as “Jap Cabin” at approximately 158 degrees 25 minutes west longitude and the upper end of Nichols Split.

(b) Kvichak-Naknek district: Waters of Kvichak Bay within a line from the northern end of Johnston Hill to the mouth of the unnamed stream at approximately 58 degrees 45 minutes 50 seconds north latitude, 157 degrees 32 minutes 30 seconds west longitude.

(c) Egegik district: Waters bounded by a line from Middle Bluff light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58 degrees north latitude, thence due east to the shoreline.

(d) Ugashik district: Waters bounded by a line from 3 miles north of Cape Greig light to a point 3 miles due west, thence to a point 2 miles due west, of the outer buoy marking the entrance to the Ugashik River, thence to a point 3 miles due west of Cape Menshikof, thence to the southern terminus of the area at a point 3 miles south of Cape Menshikof.

(e) Togiak district: All waters north of a line from Right Hand Point to Tongue Point.

Section 104.20. Closed waters. Fishing is prohibited as follows:

(a) Nushagak Bay: North of a line from a marker 2 statute miles below Bradfort Point to a marker on the opposite shore at Nushagak Point.

(b) Kvichak Bay: Northwest of a line from Graveyard Point light to a point on the opposite shore at 58 degrees 53 minutes 22 seconds north latitude, 157 degrees 4 minutes 16 seconds west longitude.

(c) Naknek Bay: Within 1 statute mile of the terminus of the Naknek River.

1 50 C.F.R. 104 (supp. 1955).
(d) Egegik Bay: East of a line from a marker 250 yards east of Libby, McNeill & Libby's cannery building to a marker on the opposite shore 175 yards east of the Alaska Packers Association's cannery building.

(e) Ugachik River: Southeast of a line extending at right angles across the river 500 yards below the terminus of King Salmon River, except by set nets in the area extending from a point 200 yards north of the Wingard Packing Company cannery to a point 1,200 yards north of that cannery.

Section 104.50. Personal use fishing. Subject to all other provisions of Section 102.51 of this subchapter, fishing for personal use with commercial gear will be permitted (a) in the Nushagak district at any place which is at a greater distance than 12 miles by most direct water measurement from waters open to commercial fishing, and between the Pacific American Fisheries Company dock at Dillingham and Bradford Point with set nets of not to exceed 15 fathoms each, if such nets have been duly registered with the Fish and Wildlife Service, (b) in the Togiak district at all times, and (c) in the Nushagak district from 6 o'clock antemeridian July 14 to 6 o'clock antemeridian July 15, 1954.


Yugoslavia

General Act on Maritime Fishing, 23 January 1950

Article 4. No foreign nationals may engage in fishing in the coastal seas of the Federal People's Republic of Yugoslavia or in a maritime zone four nautical miles wide calculated from the outer edge of the territorial waters of the FPRY to the open sea, unless it is otherwise provided by law, by an international agreement, or by a convention which has been concluded by the Federal People's Republic of Yugoslavia.

Chapter V

APPLICATION OF NEUTRALITY LAWS
IN THE TERRITORIAL SEA

Belgique

DÉCLARATION ET RÈGLES DE NEUTRALITÉ DU 3 SEPTEMBRE 1939

Le Gouvernement belge déclare sa ferme volonté de maintenir sa neutralité dans le conflit qui vient d’éclater en Europe. En conséquence, les règles suivantes seront immédiatement mises en vigueur:

I. Dans les limites de la juridiction de l’État, comprenant le territoire du Royaume en Europe et les Colonies et Possessions sous mandat, la mer territoriale, ainsi que l’espace atmosphérique dominant le territoire et la mer territoriale, aucun acte d’hostilité n’est permis et aucune base d’opérations hostiles ne peut être établie.

Par mer territoriale, on comprend la mer côtière sur une largeur de 3 milles marins, à raison de 60 par degré de latitude, à partir de la laisse de basse mer.

II. Ne sont permis:

1° Ni l’occupation d’une partie quelconque du territoire par une force militaire belligérante;

2° Ni l’entrée ou le passage à travers ce territoire par voie de terre, soit de troupes, soit de convois de munitions ou approvisionnements de guerre;

3° Ni l’entrée ou le passage à travers la mer territoriale de navires de guerre belligérants ou bâtiments assimilés à ceux-ci;

4° Ni l’entrée ou le passage, dans la juridiction de l’État, d’aéronefs militaires belligérants ou d’aéronefs assimilés à ceux-ci.

III. Sont autorisés à entrer et à séjourner dans les ports et rades après avoir satisfait aux prescriptions édictées par les autorités locales dans l’intérêt de la sécurité, les navires de commerce munis d’un armement défensif. Toutefois, dans chaque port ou rade, le nombre de ces navires ne peut dépasser le maximum fixé par les autorités locales, dans l’intérêt de la sécurité du pays.

Sont considérés comme munis d’un armement défensif les navires qui ne portent pas plus de deux pièces de calibre supérieur à 8 centimètres, sans que le calibre puisse dépasser 16 centimètres, et dont l’équipage ne dépasse pas sensiblement en effectifs les besoins de l’exploitation commerciale.

IV. Les troupes ou les militaires faisant partie des forces belligérantes, qui arriveraient dans la juridiction de l’État seront désarmés et internés.

1 Revue de droit international et de législation comparée, 3e série, t. XX, 1939, pp. 582-586.
Les navires de guerre ou bâtiments y assimilés appartenant aux belligérants qui contreviendraient aux dispositions des articles 2 ou 7 seront saisis et leurs équipages ainsi que les passagers militaires seront internés.

Les aéronefs militaires ou appareils y assimilés appartenant aux belligérants qui pénétreraient dans la juridiction de l’Etat seront saisis et leurs équipages internés. Ces aéronefs pourront être forcés d’atterrir ou d’amarrer dans le cas où ils ne le feraient pas volontairement.

Les aéronefs se trouvant à bord d’un navire de guerre ou d’un navire y assimilé seront considérés comme faisant partie de celui-ci, à condition que pendant le séjour du navire dans la juridiction de l’Etat ils ne quittent pas le bord.

V. Par dérogation à l’article IV ne seront pas internés:
1) Les naufragés, malades ou blessés à condition qu’ils n’aient pas participé à des actes d’hostilité dans la juridiction de l’Etat;
2) Les militaires à bord d’un navire de commerce, non assimilé à un navire de guerre qui se borne à faire escale dans un port ou rade;
3) Les prisonniers de guerre évadés;
4) Les déserteurs.

VI. Les dispositions des articles 2 et 4 ne sont pas applicables:
1° Au navire de guerre ou bâtiment belligérant y assimilé, qui peut établir que, par suite d’avaries ou de l’état de la mer, il est tenu d’entrer dans un des ports ou rades de l’Etat, à moins qu’il ne soit poursuivi par l’ennemi.

Le navire ne pourra réparer ses avaries qu’en tant que la réparation est indispensable à la sécurité de sa navigation et il ne pourra, d’une manière quelconque, accroître sa force militaire.

Il devra quitter les dits ports ou rades dès que les circonstances qui l’auront contraint à s’y réfugier auront cessé d’exister. Le Gouvernement pourra fixer un délai au delà duquel la saisie du navire et l’internement de l’équipage et des passagers militaires seront effectués. Les membres de l’équipage et les passagers militaires qui seront restés à terre après le départ du navire seront internés;

2° Aux navires de guerre et navires y assimilés qui peuvent prouver que leur entrée dans la juridiction de l’Etat est due à la force majeure et est survenue malgré toutes les mesures de précaution prises pour l’éviter;

3° Aux navires de guerre, aéronefs ou bâtiments et appareils y assimilés, qui sont exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

VII. Tout navire de guerre belligérant ou bâtiment y assimilé, qui se trouverait dans un port ou dans une rade ou encore dans les eaux territoriales au début de la guerre, devra partir dans le délai qui lui sera prescrit par les autorités locales.

Les aéronefs belligérants ou aéronefs y assimilés se trouvant dans la juridiction de l’Etat au moment de la publication de la déclaration de neutralité, seront internés.

VIII. Dans les cas prévus aux articles 6 et 7, lorsque des navires de guerre ou bâtiments y assimilés des deux parties belligérantes se trouvent simultanément à proximité l’un de l’autre, il doit s’écouler au moins vingt-quatre heures entre le départ du navire d’un belligérant et le départ du navire de l’autre.
L'ordre des départs est déterminé par l'ordre des arrivées, sauf circonstances spéciale.

Un navire de guerre belligérant ne peut quitter un port ou une rade moins de vingt-quatre heures après le départ d'un navire de commerce portant pavillon de son adversaire.

IX. Les navires de guerre ou bâtiments y assimilés, visés à l'article 7, ne seront autorisés à se ravitailler dans les ports et rades que pour compléter leur approvisionnement normal du temps de paix de vivres et d'eau. Ces navires ne pourront, de même, prendre du combustible que pour gagner le port le plus proche de leur pays ou d'un pays allié.

Les navires ou bâtiments y assimilés visés à l'article 6, 1°, pourront compléter leurs approvisionnements en vivres, eau et combustible dans la mesure nécessaire à leurs besoins pour la durée de leur séjour.

X. Il est interdit d'amener des prises dans les eaux soumises à la juridiction de l'Etat.

Si une prise est introduite dans les dites eaux, elle est libérée, ainsi que son équipage.

L'équipage mis à bord par le capteur est interné, à moins que la prise n'ait été amenée pour cause d'avarie ou à raison du mauvais état de la mer.

XI. Tout matériel de guerre, jeté à la côte ou trouvé en mer et amené ensuite à terre sera saisi, à moins que la sécurité publique n'en exige la destruction.

XII. Des corps de combattants ne peuvent être formés, ni des bureaux d'enrôlement ouverts sur le territoire au profit des belligérants.

XIII. Il est interdit, dans la juridiction de l'Etat, de prendre service à bord des navires de guerre belligérants ou bâtiments y assimilés.

Il est interdit, dans la juridiction de l'Etat, d'aménager, d'armer ou d'équiper des navires destinés à concourir à des opérations hostiles contre un belligérant de tels navires.

Il est interdit, dans la juridiction de l'Etat, de fournir des armes ou munitions à des navires de guerre ou bâtiments y assimilés appartenant à un belligérant ou de les aider à augmenter leur puissance de combat.

XIV. Il est interdit, dans la juridiction de l'Etat, de fournir des matériaux de réparation, de l'outillage, des approvisionnements, de l'eau ou du combustible.

XV. 1° Il est interdit de faire des approvisionnements d'armes, de munitions, de matériaux de réparation, de combustibles, et de tous objets utiles à la conduite de la guerre, dans le but de chercher l'occasion de les livrer aux forces maritimes d'un belligérant à proximité de la mer territoriale.

2° De même, il est interdit d'amener directement hors du territoire à des navires belligérants proches de la côte, des armes, des munitions, des matériaux de réparation, des combustibles, et tous objets utiles à la conduite de la guerre.

XVI. 1° Est interdit le départ d'un aéronef qui est soit mis en état de se livrer à une attaque contre une puissance belligérante, soit accompagné d'appareils ou de matériel dont le montage ou l'utilisation lui permettrait
de se livrer à semblables attaques, s'il existe des raisons de croire que cet aéronef est destiné à prendre part aux hostilités.

Est pareillement interdit le départ d'un aéronef dont l'équipage comprend un membre quelconque appartenant aux forces combattantes d'une puissance belligérante.

Est interdite l'exécution sur un aéronef de travaux destinés à l'aménager à des fins contraires au présent article.

2° Les dispositions qui précèdent ne sont pas applicables aux aéronefs militaires neutres qui pénètrent dans la juridiction de l'État après la déclaration de guerre avec autorisation du Gouvernement.

XVII. Il est interdit dans la juridiction de l'État, d'effectuer, au moyen d'un aéronef de quelque nature qu'il soit, des observations aériennes de mouvements, opérations, ou travaux de défense d'un belligérant dans le but de renseigner l'autre belligérant.

XVIII. L'installation ou l'exploitation, par une puissance belligérante ou par des personnes à son service de stations de radiocommunications ou d'autres moyens de transmission est interdite dans la juridiction de l'État.

XIX. 1° Il est interdit, dans la juridiction de l'État, d'employer des stations de radiocommunications en vue de transmettre des renseignements au sujet des forces militaires des belligérants ainsi que des opérations militaires chez les belligérants.

2° Les navires et aéronefs ne peuvent, dans la juridiction de l'État, employer leurs stations de radio que pour des signaux de détresse, pour des signaux nécessaires à la navigation ou pour transmettre des renseignements météorologiques.

Le Gouvernement attire la très sévère attention de la population sur le devoir qui lui incombe de se conformer strictement aux règles ci-dessus et d'éviter toute action qui serait de nature à compromettre la neutralité et les intérêts du pays.

Brazil

(a) Decree No. 11037, General Rules of Neutrality, 4 August 1914

Article 6. A belligerent is not permitted to have a naval base of operations against the enemy at any point in the littoral of Brazil, or its territorial waters, nor to have in said waters wireless telegraph stations to communicate with belligerent forces in the theatre of the war.

Article 7. In case the military operations or the sea-ports of any of the belligerents are situated at less than twelve days from the United States of Brazil, reckoning travel at twenty-three miles an hour, no warship of the other belligerent or belligerents will be allowed to stay in Brazilian ports, harbors or roadsteads longer than twenty-four hours, except in case of ships putting in on account of urgent need.

The case of urgent need justifies the staying of the warship or privateer at the port longer than twenty-four hours:

1. If the repairs needed to render the ship seaworthy cannot be made within that time;

2. In case of serious danger on account of stress of weather;
3. When threatened by some enemy craft cruising off the port of refuge.

These three circumstances will be taken into consideration by the Government in granting a delay for the refugee ship.

**Article 8.** If the distance from the Brazilian port, harbor or roadstead of refuge to the next point of the littoral of the enemy is greater than twelve days' sail, the duration of the stay of the refugee ship or ships of war in the Brazilian waters will be left to the determination of the Government, acting according to circumstances.

**Article 9.** Regardless of the distance between the Brazilian ports and the principal field of military operations or between the Brazilian ports and those of one of the belligerent countries, privateers will not be allowed to stay in ports, harbors or territorial waters of Brazil longer than twenty-four hours, except in the three cases mentioned in article 7.

**Article 10.** The rules established by articles No. 7 and 8 for the limitation of the stay of ships in the ports, harbors and territorial waters of Brazil do not apply to ships of war occupied in scientific, religious or philanthropic missions, nor to hospital ships.

**Article 11.** Any act of war, including capture and the exercise of the right of visit, by a belligerent warship in territorial waters of Brazil constitutes a violation of the neutrality and offends the sovereignty of the Republic.

Besides due reparation, the Government of the Republic will demand the release by the belligerent government or governments of the vessels captured, with their officers and crew, if such captured vessels are already beyond the jurisdictional waters of Brazil and immediate repression of the abuse committed.

**Article 12.** Once war is declared, the Federal Government will prevent, by all means, the fitting out, equipping and arming of any vessel that may be suspected of intending to go privateering or otherwise engaging in hostilities against one of the belligerents. The Government will be equally careful in preventing the sailing from the Brazilian territory of any vessel there adapted to be used as a warship in hostile operations.

**Article 13.** The belligerent warships are allowed to repair their damages in the ports and harbors of Brazil only to the extent of rendering them seaworthy, without in any wise augmenting their military power.

The Brazilian naval authorities will ascertain the nature and extent of the proper repairs, which shall be made as promptly as possible.

**Article 14.** The aforesaid ships may take supplies in Brazilian ports and harbors:

1. To make up their usual stock of food supplies as in time of peace;
2. To take fuel enough to reach their next home port or complete the filling of their coal-bunkers proper.

**Article 15.** The belligerent warships that take fuel in a Brazilian port will not be allowed to renew their supplies in the same or other Brazilian port before three months have elapsed since their next-previous supply.

**Article 16.** Belligerent ships are not allowed to increase their armament, military equipment, or crews in the ports, harbors, or territorial waters of Brazil. They may claim the services of the rational pilots.
Article 17. The neutrality of Brazil is not affected by the mere passage through its territorial waters of belligerent warships and their prizes.

Article 18. If warships of two belligerents happen to be together in a Brazilian port or harbor, an interval of twenty-four hours shall elapse between the sailing of one of them and the sailing of her enemy, if both are steamers. If the first to sail is a sailing vessel and the next being an enemy is a steamer, three days’ advance will be given to the first belligerent ship. Their time of sailing will be counted from their respective arrivals, exceptions being made for the cases in which a prolongation of stay may be granted. A belligerent ship of war cannot leave a Brazilian port before the departure of a merchant ship under an enemy flag, but must respect the aforesaid provisions concerning the intervals of departure between steamers and sailing vessels.

Article 19. If a belligerent warship having received due notice from the competent local authority does not leave the Brazilian port where her stay would be unlawful, the Federal Government will take the necessary measures to prevent her sailing during the war.

(a) The officer in command of a ship of war flying the flag of a nation having ratified the 13th convention of The Hague, October 17, 1907, or having adhered to it afterwards, is under obligation to facilitate the execution of those measures.

(b) If a commandant of a belligerent ship refuses to comply with the notice received, for some reason non applicable, or for lack of adhesion to that and other clauses of said convention of The Hague, the Federal Government will command the naval and military authorities of the Republic to use force to prevent the violation of Brazilian neutrality.

(c) A belligerent ship being detained in Brazil, her officers and crew shall be detained with her.

(d) The officers and men thus detained may have their quarters in another ship or in some place ashore, to be under the restrictive measures that are advisable, keeping aboard the warship the men necessary to her upkeep. The officers may have their freedom, under written pledge, on their word of honor, not to leave the place assigned to them in Brazilian territory without authorization from the minister of the navy.

Article 20. The captures made by a belligerent may only be brought to a Brazilian port in case of unseaworthiness, stress of weather, lack of fuel or food provisions, and also under the conditions provided hereinbelow in article 21.

The prize must depart as soon as the cause or causes of her arrival cease. Failing that departure, the Brazilian authority will notify the commander of the prize to leave at once, and, if not obeyed, will take the necessary measures to have the prize released with her officers and crew, and to intern the prize crew placed on board by the captor.

Any prize entering a Brazilian port or harbor, except under the aforesaid four conditions, will be likewise released.

Article 21. Prizes may be admitted that are brought, under convoy or not, to a Brazilian port, to be placed under custody pending the decision of the competent prize court. The prize may be sent by the local authority to some other Brazilian port. If she is convoyed by a warship, the officers and prize crew put aboard by the captor may return to the warship. If she sails alone, the prize crew put aboard by the captor is left at liberty.
Article 22. Belligerent warships that are chased by the enemy, and, avoiding attack, seek refuge in a Brazilian port, will be detained there and disarmed. But they will be allowed to go if their officers in command take the pledge of not engaging themselves in war operations.

Article 23. No prize will be sold in Brazil before the validity of her capture is recognized by the competent court in the country of the captor. Nor is the captor allowed to dispose in Brazil of the goods in his possession as a result of the capture.

Article 24. From the officers in command of naval forces or warships calling at Brazilian ports for repairs or supplies, a written declaration will be required that they will not capture merchant ships under their adversary’s flag, even outside territorial waters of Brazil, if met between 30 degrees Long. W. Greenwich, the parallel of 4 degrees, 30 minutes N. and that of 30 degrees S., when these merchant ships have taken cargo in Brazilian ports or are bringing cargo to the same.

Article 25. Belligerents can not receive in Brazilian ports goods sent directly to them in ships of any nation, since this would mean that the warships did not put in in a case of urgent need, but intended to cruise in these waters. To tolerate such an abuse would amount to allowing Brazilian ports to be used as a base of military operations.

Article 26. Belligerent warships admitted into the ports and harbors of Brazil shall remain in the places assigned to them by the local authorities, perfectly quiet and in peace with the other ships, even with the warships of other belligerents.

Article 27. The Brazilian military, naval, fiscal and police authorities will exercise the greatest care to prevent the violation of the aforesaid measures in the territorial waters of the Republic.

(b) Circular annexed to Legislative Decree No. 1561 of 2 September 1939, as amended

General Neutrality Rules

Article 2. Within the territory of Brazil, including its inland and territorial waters with their respective river, lake and maritime basins and the corresponding air space, no act by any belligerent which may be regarded as a violation of Brazilian neutrality shall be tolerated.

Article 3. The simple passage through Brazilian territorial waters of warships and prizes of belligerents does not constitute a violation of neutrality.

Article 7. The Government of Brazil shall not permit privateers to be fitted out or armed in the waters under its jurisdiction, and shall employ the

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1 Diario Oficial (secção 1), 4 September 1939, p. 21269. Translation by the Secretariat of the United Nations.
2 By Legislative Decree No. 2947 of 15 January 1941 (ibid., 17 January 1941, p. 887) and Legislative Decree No. 2360 of 3 July 1940 (ibid., 5 July 1940, p. 12771).
means at its disposal to prevent the fitting out or arming of any ship which it has reason to believe intends to cruise or take part in warlike operations against any belligerent. Similar care shall be taken to prevent the departure from Brazilian waters with similar objectives of any ship converted wholly or partly in Brazilian waters for war service.

Article 8. Belligerents are strictly prohibited from using the Brazilian coast and territorial waters as a base for naval operations against the enemy. Belligerents are also prohibited from receiving in Brazilian ports supplies brought to them direct by ships of any nationality.

Article 9. Belligerents shall be forbidden to install or maintain in Brazilian territory, including territorial waters, radio-telegraphy stations or any apparatus that might serve as a means of communication with belligerent land, sea or air forces. Furthermore, merchant vessels of belligerent nations shall be forbidden, when in Brazilian waters, to use their radio-telegraphic apparatus except to call shore stations in case of emergency or when a pilot is required.

Article 10. Belligerent warships may be admitted to Brazilian ports, bays, anchorages and territorial waters only in strict compliance with the conditions prescribed in the present rules.

The duration of the stay of each ship shall not exceed 24 hours, except:

(a) If, within that period it has been impossible to effect the necessary repairs, so that if the ship put to sea it would run the risk of being lost;
(b) If, in the opinion of the Brazilian naval authorities, the same risk is involved because of bad weather;
(c) If the vessel is threatened by an enemy vessel cruising in the vicinity of its place of refuge;
(d) If any of the circumstances set forth in the following three paragraphs occurs, in which case the Government at its discretion shall determine the duration of stay.

Section 1. When, for reasons of force majeure the provision of food supplies and fuel permitted by the Brazilian authorities is not completed within twenty-four hours, this period may be extended for the time absolutely necessary for the conclusion of the operation.

Section 2. When hostile warships are at the same time in a Brazilian port, bay or anchorage, a period of at least twenty-four hours must elapse between the departures of the ships of each belligerent. The order of departure shall be determined by the order of arrival except if the ship which arrived first finds itself in one of the circumstances in which its stay may be extended.

Section 3. No belligerent warship may leave a Brazilian port, bay or anchorage until at least twenty-four hours have elapsed from the time of the departure of a merchant ship flying an enemy flag. If the departing vessel is a sailing vessel and the one that remains a steamship, the latter may not depart until three days later.

Article 11. The number of warships of a belligerent Power or of allied belligerent Powers which may remain at the same time in any Brazilian port, bay or anchorage shall not exceed three.

Article 12. The provisions of articles 9 and 10 above shall not apply to hospital ships and war vessels engaged exclusively in scientific, religious or philanthropic work.
Article 13. No submarine armed for war belonging to any belligerent shall be granted access to Brazilian ports, bays or anchorages or allowed to remain in Brazilian territorial waters. Nevertheless this prohibition shall not extend to submarines which are obliged to enter Brazilian waters because of weather or damage. In such an emergency a submarine must indicate by means of an international signal the reason for its presence in the above-mentioned waters, from which it shall be required to depart as soon as the reason justifying the entry ceases to exist. So long as they remain in Brazilian waters, submarines shall navigate on the surface and shall at all times fly the appropriate flag.

Article 14. If, after notification to leave by the competent local authorities, any belligerent warship remains in a Brazilian port, bay or anchorage in which it is no longer permitted to stay, the Federal Government shall take whatever steps it deems appropriate to render the ship unable to put to sea for the duration of the war. If the commanding officer does not comply, the Federal Government shall order the Brazilian authorities to use force to ensure that its decision be respected and that the country's neutrality be not jeopardized.

Article 15. When a belligerent warship has to be detained in Brazil, its officers and crew shall also be detained although, at the discretion of the Brazilian authorities, they may be quartered on another vessel or on land, subject to the necessary restrictive measures. In any case, the number of men necessary for the maintenance of the ship shall remain on board the detained vessel. The officers may be given their liberty if they formally undertake on their word of honour not to leave the place assigned to them in Brazilian territory without the authorization of the Brazilian Minister of Marine.

Article 16. Prizes taken by belligerents may be brought to Brazilian ports, bays and anchorages only in case of unseaworthiness, bad weather, lack of fuel or food supplies or to unload goods intended for Brazil. They must leave within twenty-four hours or as soon as the reason for their entry has ceased to exist. Should they fail to do so, the Brazilian authorities, after giving due notice, shall use the means at their disposal to obtain the release of the prize, with its officers and crew, and the internment of the crew placed on board by the captor. In exceptional cases prizes shall be admitted to remain under surveillance pending action by the competent prize court. In any case the Brazilian Government reserves the right to require the unloading of merchandise intended for Brazil.

Article 17. No prize court may be established by any belligerent in Brazilian territory or on a ship in Brazilian territorial waters, and the sale of prizes shall not be permitted in Brazilian ports, bays or anchorages.

Article 18. Belligerent ships admitted to Brazilian ports, bays or anchorages shall remain at the stations designated by the local authorities in complete tranquillity and at peace with all other ships stationed there even though they be warships or ships fitted out for war belonging to another belligerent Power.

Article 18A. If a merchant vessel flying the flag of a belligerent, for fear of hostile action by the enemy, seeks refuge in Brazilian waters or ports, or if on calling at a Brazilian port it remains there for an unusual length of
time after being cleared, the Brazilian authorities shall take steps to detain
the vessel and to prevent it from sailing without special authorization.

Article 18B. So long as the merchant vessels referred to in the prece-
ding paragraph remain in Brazilian ports under detention, the Brazilian
authorities shall adopt the following measures, without prejudice to other
measures that may be considered advisable:

(a) They shall place the vessel under supervision, with a guard on
board or near the vessel;

(b) They shall decide upon the port or anchorage where the vessel is
to remain;

(c) They shall render the vessel incapable of sailing while the detention
lasts;

(d) They shall forbid the use of the vessel’s telecommunication equip-
ment;

(e) They shall leave the officers and crew at liberty. The stay of these
persons in Brazil shall, however, be subject to the provisions of the laws
governing immigration and the admission of aliens, and they may be sub-
jected to such measures as may be considered advisable for the preservation
of neutrality or the security of the State;

(f) The vessel shall be exempted from harbour dues and taxes.

Article 19. In Brazilian ports, bays and anchorages, belligerent warships
shall not in any way increase their military forces, replenish their military
supplies or armament, or augment their crews, and shall merely be allowed
to repair damages to the extent essential to ensure safe navigation. The
Brazilian naval authorities shall verify the nature of the repairs necessary,
which shall be effected as promptly as possible.

Article 20. Belligerent warships may take on supplies in Brazilian ports,
bays and anchorages only to the extent necessary to complete their normal
provision of food in time of peace, and a quantity of fuel sufficient to enable
them to reach the nearest port of their own country.

Article 21. Belligerent warships which take on fuel in Brazilian ports,
bays or anchorages may not replenish their supplies from the same source
or from any other ports, bays or anchorages until three months after the
previous occasion.

Article 22. Belligerent warships which are pursued by an enemy and
take refuge in Brazilian ports, bays or anchorages to avoid imminent attack
shall be detained and disarmed at points designated by the Brazilian
Government.

Article 23. Any hostile act, including capture and the exercise of the
right of search, performed by belligerent ships or aircraft in Brazilian terri-
torial waters or in the corresponding air space shall constitute a violation of
Brazilian neutrality and an infringement of the national sovereignty. The
Federal Government shall call upon the belligerent Government to which
the ship or aircraft belongs, apart from giving satisfaction for the infringe-
ment of sovereignty, to take steps to undo the consequences of the abuse
committed or repair the damage caused.

Article 24. A belligerent ship which has violated Brazilian neutrality
shall for the duration of the war be prohibited from entering Brazilian ports,
bays or anchorages. A belligerent aircraft in similar circumstances shall
not be authorized to fly over Brazilian territory.
Article 25. For the purpose of the application of the present rules, armed merchant ships of belligerents shall be placed on the same footing as warships if their armament is not purely defensive. Among other proofs subject to verification by the Brazilian naval authorities that the armament is not for offensive purposes, the following shall be included:

- The ship shall not have a torpedo tube;
- The calibre of its guns shall not exceed 6 inches;
- Its arms and munitions of war shall be small in quantity, its crew at normal strength and its cargo made up of goods unsuited for war.

Article 26. Belligerents are prohibited from constituting fuel depots on land or on board vessels stationed in Brazilian territorial waters.

Article 27. Military aircraft of belligerents shall not be authorized to fly over Brazilian territory. Aircraft which enter an area under Brazilian jurisdiction shall after due notification be required to land on land or sea. Such craft shall be detained and disarmed and the crews interned.

Sole paragraph. Military aircraft carried on board warships shall be considered as part of the ships but must not make flights while the ship is in Brazilian territorial waters.

Article 28. Non-military aircraft of belligerents may fly over Brazilian territorial waters only with the authorization of the competent authorities.

Article 29. The Federal Government shall not allow:

(a) The departure from Brazilian territorial waters of any aircraft appropriately equipped which it has reason to believe intends to commit hostile acts against any belligerent;

(b) The departure of an aircraft which has among its crew any member of the combatant forces of a belligerent.

Article 30. In cases not covered by these rules, the principles of neutrality generally recognized under international law shall be observed.

(c) Decree No. 22,744, ordering the observance of complete neutrality in the war between Bolivia and Paraguay, 23 May 1933 1

Rules of Neutrality for Brazil

Article 5. The belligerents shall not establish, on the territory or in the territorial waters of the United States of Brazil, a base for belligerent operations [operações de guerra], or commit acts which may constitute violations of Brazilian neutrality.

Note 1. Disregard for neutrality for which a belligerent is responsible, is considered a violation of the law of nations [acto ilícito internacional] it being the function, moreover, of the neutral state to defend its legal position.

Article 6. The Federal Government shall use the means at its disposal to prevent the fitting out or arming of any vessel which it has reason to believe is intended to participate in hostile operations against one of the belligerents. It shall use the same vigilance to prevent the departure from its territory of any ship intended to cruise or engage in hostile operations,

which has been adapted entirely or partly within the waters of its jurisdiction for use in war.

Article 7. In the ports and roadsteads of the United States of Brazil, the warships of the belligerents shall be permitted without in any manner increasing their fighting force, to repair, to the extent indispensable to render them seaworthy, the damage they may have suffered.

The Brazilian naval authority shall determine [verificar] the nature of the repairs to be effected, which repairs must be carried out with the least possible delay.

Article 8. The ships referred to in the preceding article may take supplies in the ports and roadsteads of Brazil solely:

1. To bring their supply of victuals up to the peace-time standard.

2. To obtain fuel with which they may reach the nearest port of their country, or fill up their coal-bunkers proper.

Article 9. The war vessels of the belligerents which have shipped fuel in a Brazilian port, shall not, within the succeeding three months, be permitted to replenish their supply in the same or another Brazilian port.

Article 10. The ships of the belligerents shall not make use of the ports, roadsteads and territorial waters of Brazil to increase their supplies of war material or to complete their crews. They shall be permitted, however, to make use of the services of the pilots of the country.

Article 11. The provisions of articles 7 to 9 shall not be applied to hospital ships, nor to those devoted exclusively to scientific, religious or philanthropic purposes.

Article 12. When war vessels of the belligerents are present simultaneously in a Brazilian port or roadstead, there shall intervene at least 48 hours between the departure of one of them and that of the adversary.

The order of departure shall be determined by the order of arrival, excepting when the vessel which has arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war vessel shall not leave the Brazilian port or roadstead in which it happens to be until 48 hours after the departure of a merchant ship flying the flag of its adversary.

Article 13. The ships of war of the belligerents shall normally be permitted to remain in a Brazilian port or roadstead as long as 48 hours. They shall be allowed a more extensive stay:

1. When they are unable to complete the repairs indispensable for the continuation of their voyages in less time.

2. When there is a material impediment [impedimento material] to their departure.

The Federal Government shall determine, in accordance with the circumstances, the extent to which the ship may delay its departure.

Article 14. If, despite notification from the proper authority, the belligerent war vessel does not leave the Brazilian port, the Federal Government shall take the measures which it considers necessary to render the ship incapable of navigating for the duration of the war.

If the commandant of the belligerent vessel, for any inadmissible reason, refuses to heed the notification which he has received, the Federal Government shall authorize its military authorities to use force for the purpose of executing its decision.
Article 15. When it is necessary to intern a belligerent vessel in Brazil both the officers and the crew shall be interned.

The officers and men may have their quarters in another ship or on land, and may be subjected to the measures of restriction which it may be necessary to impose upon them. A sufficient number of men for looking after the vessel shall, however, remain on board. The officers may be left at liberty, under written pledge, on their word of honor, not to leave without authorization by the Minister of the Navy, the place in Brazilian territory assigned to them.

Article 16. The prizes taken by a belligerent may be brought to a Brazilian port only on account of unseaworthiness, stress of weather, want of fuel or victuals, or to unload merchandise destined for Brazil.

Article 17. The war vessels which, when pursued by the enemy and to avoid an imminent attack, take refuge in a Brazilian port, shall there be interned and disarmed.

Article 18. The troops or individual soldiers who cross the frontiers of Brazil, shall be disarmed or interned at a distance from the theatre of war. The officers shall be permitted to remain at liberty under the conditions established in Article 15, section 2; in such cases, the Minister of War shall be the competent authority for the granting of permission to the interned to withdraw from the place which has been designated for their residence.

Article 19. Escaped prisoners who take refuge in Brazil shall remain at liberty although they may be assigned to a place of residence, when this measure appears necessary.

Article 20. Interned belligerents shall be treated in accordance with the principles of the law of nations.

Article 21. The aircraft of the belligerents may not fly over the territory or jurisdictional waters of Brazil without previous authorization. And those which, without authorization, land upon Brazilian territory or waters shall be detained.

Military aircraft shall not be given permission to fly over Brazilian territory.

Chile

Civil Code of 14 December 1855, Article 640 (supra, Chapter I, under Chile (a)); Code of Penal Procedure, 30 August 1944, Article 37, Paragraph 3 (supra, Chapter II, Section B, under Chile (b)).

China

(a) Maritime Prize Rules, revised and promulgated by Presidential Decree on 3 June 1955

CHAPTER I

General Provisions

Article 1. These Rules shall apply to all matters relating to maritime prize taken by warships of the Republic of China during the existence of a state of war between the Republic of China and an enemy State.

Article 2. No visit to, or search and capture of, vessels shall be made in neutral territorial waters or legally neutralized zones.

Costa Rica

Decree No. XIV of 23 February 1884 concerning the government and control of ports (supra, Chapter III, under Costa Rica)

Cuba

(a) Decree No. 1603 of 17 June 1940—Regulations concerning the entry of submarines into Cuban waters

Whereas, by Presidential Decree No. 2073 dated 1 September 1939, supplemented by Decree No. 859 of 29 March 1940, appropriate regulations were laid down as to the manner in which the Republic should observe neutrality in the European War, in accordance with the general principles of International Law and of the international agreements regarding the rights and duties of neutrals in case of war.

Whereas, for their better application, the addition of provisions covering submarine vessels of belligerent nations has become necessary,

Now, therefore, by virtue of the rights vested in me by the Constitution and the Laws,

I resolve:

To add the following regulation to the aforesaid Decree No. 2073:

Nineteen: It shall henceforth be unlawful for any submarine of France, Germany, Poland or the United Kingdom, of India, Australia, Canada, New Zealand, or the Union of South Africa, and of Italy, to enter the ports or the territorial waters of the Republic.

An exception is made for submarines of the aforesaid belligerent States which may be compelled to enter the ports or territorial waters of the Republic for reason of force majeure; provided that in such cases they proceed on the surface with their conning-towers and superstructures above water, and flying the flags of the belligerent countries to which they belong.

When the said submarines leave the port or the territorial waters of Cuba they must proceed on the surface, with their conning-towers and superstructures above water, and flying the flags of the belligerent countries to which they belong.

(b) Presidential Decree No. 783 of 10 August 1914, providing for the observance of neutral duties

First. No belligerent shall establish in the territory of the Republic of Cuba stations of radiotelegraphy or any other apparatus whatever destined to be a means of communication with belligerent forces, be these on land or sea.

1 Addendum to Decree 2073 of 1939, supplemented by Decree 859 of 1940. Cuba, La jurisprudencia al Dia, 1940, p. 521. Translation by the Secretariat of the United Nations.

2 Deák and Jessup, Neutrality Laws, Regulations and Treaties, vol 1., p. 449.
Second. It is forbidden to form corps of combatants or to open enlistment offices in the territory of the Republic of Cuba for the benefit of a belligerent.

Third. It is forbidden for a belligerent to make use of a wireless telegraphy apparatus belonging to the Government.

Fourth. No Cuban citizen residing in a belligerent country shall be able to avail himself of his neutrality if he commits actions of hostility against or in favor of a belligerent, especially so if he voluntarily enters into military service in favor of one of the belligerent parties.

Fifth. It will not be allowed for any hostile action, including capture or right of search, to be done by a belligerent in the lawful waters of Cuba.

Sixth. No belligerent shall be allowed to hold a prize court in the territory of the Republic of Cuba or in vessels in the lawful waters of Cuba.

Eighth: Vessels of belligerents shall not remain in the ports, inlets, and lawful waters of the Republic of Cuba for more than twenty-four hours unless they are obliged to do so because of being unseaworthy or because it is impossible, in that space of time, for them to provide themselves with the amount of fuel necessary to carry them to the nearest port of their own nationality. However, they will be required to leave as soon as the cause for delay in their departure has been eliminated.

Tenth. Belligerent vessels shall not make use of ports, inlets, and lawful waters of the Republic to renew or increase their military provisions or armaments or to increase their crews. However, they may take on board, in the ports of the Republic, provisions in such quantity as would be normal and necessary in time of peace; furthermore, they shall not be allowed to take on more fuel than is necessary to carry them to the nearest port of their own nationality.

Denmark

Royal Order No. 209, 31 May 1938, Concerning Certain Neutrality Regulations

Article 1. The warships of belligerent Powers shall be admitted to Danish ports and other Danish territorial waters subject to the exceptions, limitations and conditions prescribed by the following provisions.

Article 2. (1) The warships of belligerent Powers shall not be admitted to the port and roadstead of Copenhagen or to such ports and waters as may be designated as Danish naval ports or as protected areas under the coast defence system.

(2) The warships of belligerent Powers shall likewise not be admitted to inner territorial waters that are closed off by submarine mines or other means of defence.

For the purposes of this Order, the term “Danish inner territorial waters” means Danish harbours, harbour entrances, bays and inlets and those parts of Danish territorial waters which are situated within and between Danish islands, islets and reefs (rock formations) not permanently covered by the sea; provided that in that part of the Danish territorial waters of the Kattegat, Great Belt, Little Belt and Sound which lies on the natural route for traffic between the North Sea and the Baltic Sea only harbours and harbour entrances and the roadstead of Copenhagen shall be considered to be Danish inner territorial waters.

(3) Submarines belonging to belligerent Powers and fitted out for use in war may not cruise or remain in Danish territorial waters.

This prohibition shall not, however, apply to passage without unnecessary delay through Danish outer territorial waters on the natural route for traffic between the North Sea and the Baltic Sea in the Kattegat, Great Belt, Little Belt and Sound with the exception of the roadstead of Copenhagen, where, as the roadstead is part of the inner territorial waters, all passage is prohibited. The prohibition shall likewise not apply to any submarine which is obliged to enter a prohibited area on account of stress of weather or damage and makes known the reason for its presence by international signal. The submarine shall leave the area as soon as possible after the circumstances which justified its entry are at an end. While the submarine is in Danish territorial waters it shall at all times fly its national flag and, unless otherwise compelled by circumstances, remain on the surface.

(4) The King reserves the right, in accordance with the general principles of international law, to prohibit admission to Danish ports and specific areas of Danish territorial waters, other than those to which admission is prohibited under the preceding provisions, when special conditions render this necessary in order to protect the sovereign rights and preserve the neutrality of the Kingdom. (Cf. Order No. 297 of 1 September 1939)

(5) The King likewise reserves the right to prohibit the admission to Danish ports and anchorages of any warship of a belligerent Power if the warship fails to comply with the regulations laid down by the competent authorities or violates the neutrality of the Kingdom.

Article 3. (1) No privateer may enter a Danish port or remain in Danish territorial waters.

(2) It shall likewise be unlawful for any armed merchant ship belonging to a belligerent Power to enter a Danish port or remain in Danish territorial waters if its armament is designed for use otherwise than in self-defence.

Article 4. (1) No warship of a belligerent Power may remain in a Danish port, a Danish anchorage or any other Danish territorial waters for more than twenty-four hours except in the event of damage, grounding or stress of weather or in the circumstances described in paragraphs (3) and (4). In the aforementioned cases the warship shall depart as soon as the cause of the delay is at an end. In the event of damage or grounding, the competent Danish authority shall determine a period regarded as sufficient to allow the ship to undergo the necessary repairs or, in the case of grounding, to be refloated. The ship’s stay shall not, however, be prolonged beyond twenty-four hours if the ship obviously cannot be rendered seaworthy within a reasonable time or if the damage has been caused by enemy action.
The foregoing provisions concerning limitation of the permissible period of stay shall not apply to warships devoted exclusively to religious, scientific or philanthropic purposes or to military hospital ships.

(2) It shall be unlawful for more than three warships belonging to the same belligerent Power or to belligerent Powers allied with one another to be present simultaneously in the same Danish port or anchorage or, where the coast is divided into sectors for this purpose, in ports or anchorages in the same coastal sector.

(3) When warships belonging to both belligerents are present simultaneously in the same Danish port or anchorage, a period of not less than twenty-four hours must elapse between the departure of a warship belonging to one belligerent and the departure of a warship belonging to the other. The order of departure shall be the same as the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

(4) If a warship belonging to one belligerent Power and a merchant ship flying the flag of its adversary are present simultaneously in the same Danish port or anchorage, a period of not less than twenty-four hours must elapse after the departure of the merchant ship before the warship may depart. The competent authorities shall so arrange for the merchant ship’s departure that the warship’s stay is not unnecessarily prolonged.

Article 5. (1) In a Danish port or anchorage a warship of a belligerent Power may undergo only such repairs to damage sustained as are absolutely necessary to render it seaworthy, and may not add in any manner whatsoever to its fighting power. Damage known to be due to enemy action may not be repaired with assistance procured within Danish territory. The competent Danish authorities shall decide what repairs may be carried out, and these shall be effected with the least possible delay and in any case within the period determined as prescribed by article 4, paragraph (1).

(2) No warship of a belligerent Power may make use of any Danish port or other Danish territorial waters for replenishing or increasing its supplies of war material or its armament or for completing its crew.

(3) A warship of a belligerent Power may not revictual in any Danish port or anchorage beyond the extent required to bring up its supplies to the peace standard.

(4) With regard to fuelling in Danish ports and anchorages, the warships of belligerent Powers shall be subject to the same regulations as other foreign ships; provided that the warships of a belligerent Power may ship only sufficient fuel to enable it to reach the nearest port in its own country, and in any case not more than is required to fill its own coal-bunkers or fuel tanks. A warship which has fuelled in a Danish port or anchorage may not again do so in any Danish port or anchorage within the succeeding three months.

Article 6. The warships of belligerent Powers shall use Danish States-licensed pilots in Danish territorial waters in cases where the services of a pilot are prescribed but may not otherwise use the services of such pilots except in emergency in order to avoid the perils of the sea.

Article 7. (1) It shall be unlawful to bring any prize of foreign nationality into any Danish port or anchorage except on account of unseaworthiness, stress of weather or want of fuel or provisions. Any such prize which is
brought into a Danish port or anchorage for such reason shall leave as soon as the circumstances which justified its entry are at an end.

(2) It shall be unlawful for a belligerent Power to set up a prize court on Danish soil or on a ship in Danish territorial waters. The sale of a prize in a Danish port or anchorage shall likewise be prohibited.

**Article 8.**

(1) It shall be unlawful for the military aircraft of belligerent Powers, other than ambulance aircraft or aircraft carried on board warships, to enter Danish territory unless provisions to the contrary exist or may be laid down with reference to specific areas in accordance with the general principles of international law.

Such aircraft shall have the right of passage, without unnecessary delay, through Danish outer territorial waters between the North Sea and the Baltic Sea in the Kattegat, Great Belt, Little Belt and Sound and the airspace above the said waters. All passage through the roadstead of Copenhagen and the airspace above the said roadstead shall be prohibited. The passage shall in all cases take place at the greatest possible distance from the coast.

(2) No aircraft carried on board a warship of a belligerent Power may leave the warship while the latter is in Danish territorial waters.

**Article 9.**

(1) The warships and military aircraft of belligerent Powers shall be bound to respect the sovereign rights of the Kingdom and to abstain from any act which would constitute a violation of its neutrality.

(2) It shall be unlawful to commit in Danish territory any act of hostility, including the arrest, search or capture of any ship or aircraft, whether neutral or of the nationality of the adversary. Any ship or aircraft captured in Danish territory and the officers, crew and cargo thereof shall be released.

**Article 10.** The health, pilotage, customs, traffic, port and police regulations in force shall be strictly observed.

**Article 11.** It shall be unlawful for any belligerent to use Danish territory as a basis of military operations against its adversary.

**Article 12.**

(1) It shall be unlawful for any belligerent or person in the service thereof to erect or operate any radio station, or set up any other apparatus in Danish territory for the purpose of communicating with belligerent forces on land or sea or in the air.

(2) Mobile radio stations of the belligerents, irrespective of whether such stations belong to the armed forces, may not in Danish territory be used to transmit radio signals except in emergency or for the purpose of communicating with the Danish authorities through Danish coastal or ground radio stations or radio stations on Danish naval vessels.

**Article 13.** It shall be unlawful to make observations in Danish territory from aircraft or by any other means concerning the movements, military operations or defence arrangements of a belligerent for the purpose of giving information in this regard to the other belligerent.

**Article 14.**

(1) It shall be unlawful for a belligerent to establish a fuel depot on Danish soil or on a vessel moored in Danish territorial waters.

(2) It shall be unlawful for any vessel or aircraft obviously engaged in the transport of fuel or other supplies directly to belligerent armed forces to ship such supplies in excess of its own requirements in any Danish port or anchorage.
Article 15. (1) No vessel intended to be used for obstructing maritime trade or for participating in hostile operations against any belligerent may be fitted out or armed in Danish territory. It shall likewise be unlawful for any vessel which is intended for such purpose and has in Danish territory been wholly or partly fitted out for use in war to leave the said territory.

(2) An aircraft which is capable of taking the offensive against a belligerent or is carrying material the installation or use of which would render it so capable may not leave Danish territory if there is reason to believe that the aircraft is intended for use against a belligerent Power. In addition, no work on an aircraft with a view to preparing it for departure for the aforesaid purpose may be performed in Danish territory.

Ecuador

(a) Circular of the Ministry for Foreign Affairs, determining the rules to which the maritime authorities of the ports of the Republic are subjected, in order to carry out the neutrality proclaimed by the Government during the actual European War, November 19, 1914

1. Every vessel that enters Equadorian ports, or is found sailing in territorial waters, is subject to inspection of papers by the Equadorian authorities, who reserve the right (as the following rules will show) to make an inspection of the vessel, passengers, cargo, and documents. The respective authorities are therefore unable to clear any vessel, whatever may be her cargo and destination, before the ship's manifest has been produced in proper form. Territorial waters are to be understood as determined by Article 582 of our Civil Code; as much as 4 naval leagues, each league measuring 5,555 metres.

4. No warship of a belligerent nation is allowed to prepare warlike operations in the territorial waters of Equador, nor to exercise vigilance over enemy vessels on the said waters...

With regard to repairs, the following rules must be observed: The vessel will not be allowed to remain in Equadorian waters more than twenty-four hours after the said repairs have been finished...

7. No belligerent vessel in Equadorian waters will take any provisions or articles other than those necessary for the maintenance of its crew, nor more coal than that indicated in rule No. 3.

8. All merchant vessels are prohibited from using their wireless telegraphy while remaining in Equadorian waters. To make sure that this rule is observed, it will be considered necessary to remove such portions of the apparatus without which the telegraphic system cannot be made use of...

(b) Military (and Naval) Penal Code 10 November, 1921

Article 99. The following shall be deemed offenders against International Law:

26. The members of the Army or Navy (los militares) who, when Equador is neutral, shall permit the passage, through the territory or waters of their jurisdiction, of troops, vessels of war, arms, munitions and other war materials for (the use of) a belligerent;

27. The members of the Army or Navy who, in similar circumstances, shall permit, in the waters under their jurisdiction, the exchange or transfer of the neutral flag to a ship of belligerent nationality, after hostilities have broken out;

28. The members of the Army or Navy who, in similar circumstances, shall permit the transformation of a merchant vessel into a ship of war, or shall permit upon the latter type of vessel a change in the position of the guns, the acquisition of additional guns, arms and war materials, crew or marines (tropa), the alteration of the color of the ship, its rigging (aparejo) or fittings (equipo); or the loading of abnormal quantities of coal;

29. Those (members of the Army or Navy) who, in similar circumstances, shall permit the departure from the waters of their jurisdiction of a belligerent vessel less than twenty-four hours prior to the departure of an adversary; or shall permit any belligerent to engage in espionage against the troops or ships of its enemy;

30. Those (members of the Army or Navy) who, in similar circumstances, shall permit the establishment of Prize Courts;

El Salvador

Penal Code

Chapter II

Offences which jeopardize peace or the independence of the State

(c) Decree of 9 October 1912

Article 2. It shall be unlawful for any private person who has not received a specific direction or authorization from the Government to perform any act that provokes or provides the occasion for a declaration of war against El Salvador, or that places the Government of El Salvador in the position of having to offer an explanation, or that exposes the inhabitants, trade or property of El Salvador to annoyance or reprisals, or that jeopardizes the neutrality of the State. [Penal Code, article 106]

Article 3. In particular, it shall be unlawful, in the event of a foreign or civil war, for any private person to send arms or any other military supplies to the belligerent Governments or to the rebel forces, to recruit volunteers, to organize military expeditions, and, generally, to perform any acts furthering the objects of the combatants, other than humanitarian acts which may be carried out through the Red Cross or through charitable institutions or societies. It shall likewise be unlawful to publish writings or to make utterances offensive to nations or to the constituted authorities of nations,

1 Text provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.

2 Text of Decree provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.
or to Ministers of State, or to diplomatic representatives who reside in El Salvador and are accredited to the Government of El Salvador. [Penal Code, articles 106, 126 and 421]

**Article 4.** Any meeting or association organized in violation of this Decree shall be deemed to be unlawful, and the offenders shall be liable to the penalties prescribed by the Penal Code. [Penal Code, article 174]

If the offender is an alien, the Executive Power may order his deportation as an undesirable person.

**Article 107.** The penalties prescribed in the preceding article shall also be applicable to persons who, during any war in which El Salvador is not involved, perform any act which jeopardizes the neutrality of the State or infringe the orders by the Government for the purpose of maintaining neutrality.

**Finlande**

**RÈGLES DE NEUTRALITÉ EN DATE DU 27 MAI 1938**

En ce qui concerne la neutralité de la Finlande en cas de guerre entre des Puissances étrangères, il sera fait application, à partir de la date et dans la mesure fixée par le président de la république, des dispositions suivantes.

**Article 1er.** Est accordée aux bâtiments de guerre des belligérants l’admission dans les ports et autres eaux territoriales de la république, sous réserve des exceptions, restrictions et conditions suivantes.

**Article 2.** 1) Est interdit aux bâtiments de guerre des belligérants l’accès des ports et espaces maritimes qui auront été déclarés ports de guerre ou appartenir aux zones de protection des installations de défense côtière.

2) Est également interdit aux bâtiments de guerre des belligérants l’accès des eaux intérieures dont l’entrée est barrée, soit par des mines sous-marines, soit par d’autres moyens de défense.

Par “eaux intérieures finlandaises”, le présent décret entend les ports, entrées de ports, golfs et baies, ainsi que les eaux situées entre et en deçà des îles, flots et récifs finlandais qui ne sont pas constamment submergés.

3) Est interdit aux sous-marins armés en guerre des belligérants la navigation ou le séjour dans les eaux territoriales finlandaises.

Cette interdiction n’est pas applicable toutefois aux sous-marins contraints, par l’état de la mer ou pour cause d’avaries, de pénétrer dans les eaux interdites et indiquant, au moyen d’un signal international, la cause de leur présence dans ces eaux. Lesdits sous-marins seront tenus de quitter les eaux interdites dès qu’aura cessé la cause pour laquelle ils y avaient pénétré. Dans les eaux territoriales finlandaises, les sous-marins auront leur pavillon national constamment hissé et, sauf en cas de nécessité impérieuse, navigueront en surface.

4) Le président de la république se réserve d’interdire, en cas de circonstances spéciales, pour sauvegarder les droits souverains et maintenir la neutralité de la république, en observant les principes généraux du droit international, l’accès de ports finlandais et autres zones déterminées des eaux territoriales finlandaises autres que ceux dont l’accès est interdit par les dispositions énoncées ci-dessus.

5) Le président de la république se réserve également d'interdire l'accès des ports et mouillages finlandais à ceux des bâtiments de guerre des belligérants qui auraient négligé de se conformer aux prescriptions édictées par les autorités compétentes finlandaises ou violé la neutralité de la république.

**Article 3.** 1) Les corsaires ne seront point admis à pénétrer dans les ports finlandais, ni à séjourner dans les eaux territoriales finlandaises.

2) Est également interdit aux navires de commerce armés des belligérants, si l'armement est destiné à des fins autres que leur défense, l'accès des ports finlandais ou le séjour dans les eaux territoriales finlandaises.

**Article 4.** 1) Il est interdit aux bâtiments de guerre des belligérants de demeurer dans les ports et mouillages finlandais, ou dans les autres eaux territoriales finlandaises, plus de 24 heures, sauf pour cause d'avaries ou d'échouage, en raison de l'état de la mer, ou dans les cas visés ci-dessous aux paragraphes 3 et 4. Dans ces cas, ils devront partir dès que la cause du retard aura cessé. En cas d'avaries ou d'échouage, l'autorité compétente finlandaise fixera un délai pouvant être jugé suffisant pour la réparation des avaries ou le renflouement du navire. Il ne sera consenti toutefois aucune prolongation de séjour de plus de 24 heures, s'il est manifeste que le navire ne pourra être rendu navigable dans un délai raisonnable, ni lorsque ses avaries auront été causées par un acte de guerre de l'adversaire.

Les dispositions ci-dessus relatives à la limitation du séjour ne s'appliquent pas aux bâtiments de guerre exclusivement affectés à une mission religieuse, scientifique ou humanitaire, ni aux bâtiments-hôpitaux militaires.

2) Le nombre maximum des bâtiments de guerre d'une Puissance belligérante ou de plusieurs Puissances belligérantes alliées admis à séjourner en même temps dans un port ou mouillage finlandais, ou dans des ports ou mouillages du même district côtier de la Finlande, lorsque la côte aura été divisée à cette fin en districts, est de trois.

3) Si des bâtiments de guerre des deux parties belligérantes séjournent en même temps dans un port ou mouillage finlandais, il devra s'écouler au moins 24 heures entre le départ d'un bâtiment d'une partie belligérante et celui d'un bâtiment de l'autre, l'ordre des départs étant déterminé par l'ordre des arrivées, à moins que le bâtiment arrivé le premier ne soit dans un cas où la prolongation du séjour est admise.

4) Un bâtiment de guerre belligérant ne peut quitter un port ou mouillage finlandais, où se trouve un navire de commerce battant le pavillon de l'adversaire, moins de 24 heures après le départ dudit navire de commerce. Les autorités compétentes auront à régler les départs des navires de commerce de manière à éviter de prolonger sans nécessité le séjour du bâtiment de guerre.

**Article 5.** 1) Dans les ports ou mouillages finlandais, les bâtiments de guerre des belligérants ne pourront réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation, et ils ne pourront accroître d'aucune manière leur force militaire. Pour la réparation des avaries manifestement causées par des actes de guerre de l'adversaire, il ne pourra être recouru à aucune aide que les bâtiments avariés se seraient procurée sur le territoire finlandais. Les autorités finlandaises détermineront la nature des réparations à faire. Les réparations devront être exécutées le plus rapidement possible et en observant le délai prévu à l'article 4, paragraphe premier.
2) Il est interdit aux bâtiments de guerre des belligérants de se servir des ports finlandais ou autres eaux territoriales finlandaises pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement, ou pour compléter leurs équipages.

3) Les bâtiments de guerre des belligérants ne pourront se ravitailler dans les ports ou mouillages finlandais que pour compléter leur approvisionnement normal du temps de paix.

4) Dans les ports et mouillages finlandais, les bâtiments de guerre des belligérants seront soumis, en ce qui concerne le réapprovisionnement en combustible, aux mêmes dispositions que les autres navires étrangers. Ils n’y pourront charger toutefois que la quantité de combustible nécessaire pour se rendre au port le plus proche de leur propre pays, et en aucun cas une quantité excédant celle nécessaire pour compléter le plein de leurs soutes proprement dites ou de leurs réservoirs à combustibles liquides. Après avoir pris du combustible dans un des ports ou mouillages de la république, ils ne pourront renouveler leur approvisionnement dans ses ports et mouillages avant l’expiration d’un délai de trois mois.

**Article 6.** Les bâtiments de guerre des belligérants sont tenus de se servir dans les eaux intérieures finlandaises des pilotes brevetés de la république, d’après les mêmes règles que celles appliquées ou à appliquer aux bâtiments de guerre en temps de paix, mais autrement ils ne pourront se servir d’un tel pilote, sauf, en cas de détresse, pour échapper à un danger de mer.

**Article 7.** 1) Il est interdit d’amener des prises d’une nationalité étrangère dans un des ports ou mouillages finlandais, sauf en cas d’innouvabilité, de mauvais état de la mer, de manque de combustible ou de provisions. *Toute prise amenée pour une desdites causes dans un port ou mouillage finlandais, devra repartir dès que cette cause aura cessé.*

2) Aucun tribunal des prises ne peut être constitué par un belligérant ni sur le territoire finlandais ni sur un navire dans les eaux territoriales finlandaises. Est également interdite la vente des prises dans un port ou mouillage finlandais.

**Article 8.** 1) Les aéronefs militaires des belligérants, à l’exception des ambulances aériennes et des aéronefs transportés à bord des bâtiments de guerre, ne seront pas admis en territoire finlandais, sauf dispositions contraires appliquées ou à appliquer conformément aux principes généraux du droit international en ce qui concerne certains espaces.

2) Il est interdit aux aéronefs transportés à bord des bâtiments de guerre des belligérants de quitter ces bâtiments aussi longtemps qu’ils se trouvent dans les eaux territoriales finlandaises.

**Article 9.** 1) Les bâtiments de guerre et aéronefs militaires des belligérants sont tenus de respecter les droits souverains de la république et de s’abstenir de tous actes qui seraient contraires à sa neutralité.

2) Sont interdits dans les limites du territoire finlandais tous actes d’hostilité, y compris l’arrêt, la visite et la capture des navires et des aéronefs, soit neutres, soit ressortissant à l’adversaire. Tout navire ou aéronef qui y aurait été capturé devra être immédiatement relâché, avec ses officiers, son équipage et sa cargaison.

**Article 10.** Les règlements sanitaires, de pilotage, de douane, de navigation, de circulation aérienne, de port et de police devront être strictement observés.
Article 11. Il est interdit aux belligérants de faire du territoire la base d’opérations militaires contre leurs adversaires.

Article 12. 1) Il est interdit aux belligérants et aux personnes à leur service d’installer ou exploiter en territoire finlandais des stations radiotélégraphiques ou tous autres appareils destinés à servir de moyens de communication avec des forces belligérantes, militaires, navales ou aériennes.

2) Il est interdit aux belligérants d’employer en territoire finlandais leurs stations radiotélégraphiques mobiles, appartenant ou non à des forces combattantes, pour l’envoi de communications, sauf en cas de détresse ou pour la correspondance avec les autorités finlandaises par l’intermédiaire d’une station radiotélégraphique finlandaise, terrestre ou côtière, ou d’une station radiotélégraphique installée à bord d’un navire appartenant à la marine finlandaise.

Article 13. Sont interdites à quiconque les observations, faites à bord d’un aéronef ou de toute autre manière en territoire finlandais, des mouvements, opérations ou travaux de défense d’un belligérant dans le but de renseigner l’autre belligérant.

Article 14. 1) Il est interdit aux belligérants d’établir des dépôts de combustible, soit sur le sol de la république, soit à bord des navires stationnés dans ses eaux territoriales.

2) Il est interdit aux navires ou aéronefs naviguant manifestement dans le but de faire passer aux forces combattantes des belligérants du combustible ou d’autres approvisionnements, d’en charger dans les ports ou mouillages finlandais en quantité excédant celle nécessaire pour leurs propres besoins.

Article 15. 1) Est interdit l’équipement ou l’armement sur le territoire finlandais de tout navire destiné à être employé à croiser ou à concourir à des opérations de guerre contre un des belligérants. Il est également interdit aux navires devant être affectés à un des objets susvisés et qui ont été, en tout ou en partie, adaptés sur le territoire finlandais à des usages de guerre, de sortir de ce territoire.

2) Il est interdit à tout aéronef en état de perpétrer une attaque contre un belligérant, ou porteur d’appareils ou de matériel dont le montage ou l’utilisation lui permettrait de perpétrer une attaque, de sortir du territoire finlandais, s’il y a lieu de présumer qu’il est destiné à être utilisé contre une Puissance belligérante. Est également interdite l’exécution sur un aéronef de travaux destinés à en préparer le départ dans le but susvisé.

France

DÉCRET PORTANT FIXATION DE CERTAINES RÈGLES DE NEUTRALITÉ EN CAS DE GUERRE MARITIME DU 18 OCTOBRE 1912 ¹

Article 1er. En cas de guerre entre deux puissances, dans laquelle le Gouvernement de la République française aura décidé de conserver la neutralité, les dispositions suivantes seront appliquées dans toute l’étendue des ports, rades, eaux territoriales de la République ou soumis à sa juridiction.

Article 2. Pour l'application des règles de la convention XIII de la Haye, en date du 18 octobre 1907: — Les eaux territoriales françaises s'étendent en deçà d'une limite qui est fixée à 6 milles marins (11.111 mètres) au large de la laisse de la basse mer le long de toutes les côtes et des bancs découvrant qui en dépendent, ainsi qu'autour du balisage fixe qui détermine la limite des bancs non découvrant. Pour les baies, le rayon de 11 kilomètres est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas 10 milles. Si la distance de la côte ou des bancs français au point le plus rapproché de la côte ou des bancs d'un État étranger est inférieure à 22 kilomètres, les eaux territoriales françaises s'étendent jusqu'à mi-distance entre ces côtes ou ces bancs.

Article 3. Le nombre maximum des navires de guerre: cuirassés, croiseurs cuirassés, croiseurs protégés, transports armés ou éclaireurs d'un belligérant, qui pourront se trouver en même temps dans un port ou une rade française, sera de quatre.

Article 4. En outre, les navires de flotilles, contre-torpilleurs, torpilleurs et sous-marins seront admis en groupe, suivant leur organisation normale. Leur nombre ne pourra, toutefois être supérieur à 12.

Article 5. Les navires de guerre des belligérants, à l'exception de ceux qui sont exclusivement affectés à une mission religieuse, philanthropique ou scientifique, ne pourront se trouver dans un port ou une rade française pendant plus de trois fois vingt-quatre heures. Dans ce délai est compris le temps nécessaire aux formalités administratives et aux pourparlers avec les fournisseurs avant l'embarquement éventuel du combustible.

Article 6. Si après réception de la notification de l'ouverture des hostilités par le Gouvernement de la République, ou après que l'état de guerre sera notoirement connu, un navire de guerre d'un belligérant se trouve dans un port ou une rade ou dans les eaux territoriales françaises, il lui sera notifié qu'il devra partir dans un délai de trois fois vingt-quatre heures à compter de ladite notification.

Article 7. Les navires de guerre belligérants ne pourront prolonger leur séjour dans les ports de la République au-delà de la durée légale que pour cause d'avaries ou à raison de l'état de la mer. Ils devront partir dès que la cause des retards aura cessé.

Article 8. Les navires belligérants ne pourront se ravitailler en vivres et matières consommables que pour compléter leurs approvisionnements normaux du temps de paix. En ce qui concerne le combustible, ils seront autorisés à compléter le plein de leurs soutes proprement dites.

Article 9. Les navires belligérants seront autorisés à se servir des pilotes brevetés.

Article 10. L'accès des ports et rades français sera permis aux prises escortées ou non, lorsqu'elles y seront amenées pour être laissées sous séquestre en attendant la décision du tribunal des prises.
Grèce

Loi N° 2458 du 25 juillet 1940 portant interdiction du survol par les aéronefs militaires des pays belligérants du territoire et des eaux territoriales de l'État hellénique, se trouvant en état de neutralité 1

Article 1er. En cas de guerre existant entre autres États, dans laquelle la Grèce reste neutre, il est interdit à tous aéronefs militaires, ou y assimilés, appartenant à un des États belligérants, de survoler le territoire hellénique ou les eaux territoriales helléniques, ainsi que d'y atterrir ou amerrir.

Article 2. Les aéronefs qui, malgré l'interdiction, survolent le territoire ou les eaux territoriales, pourront être forcés d'atterrir ou d'amerrir s'ils ne le font pas volontairement.

Les aéronefs qui atterrissent ou amerrissent de n'importe quelle manière seront saisis et les personnes à bord seront internées jusqu'à la fin de la guerre.

Article 3. Par décision du Gouvernement il pourra être dérogé à la règle précitée, en ce qui concerne les aéronefs du service sanitaire des pays belligérants, qui transportent des malades ou blessés, pour autant que des personnes ou du matériel étranger au service sanitaire ne se trouveraient pas à bord.

Article 4. Les aéronefs se trouvant sur un navire de guerre belligérant, ou sur un navire y assimilé, sont considérés comme faisant partie du navire.

Il est interdit à ces aéronefs de quitter le navire, aussi longtemps que ce navire se trouve dans les eaux territoriales helléniques.

Faute de se conformer à cette interdiction, les dispositions de l'article 2 leur seront appliquées.

Article 5. Les militaires d'un État belligérant, qui auront été sauvés sur mer, hors des eaux territoriales helléniques, par un navire de guerre ou par un aéronef militaire helléniques, seront internés jusqu'à la fin de la guerre.

Honduras

Decree No. 191 of 9 April 1935, articles 126-129, 135  
(supra, Chapter II, Section A, under Honduras (b))

Italy

Law of Neutrality approved by Royal Decree No. 1415 of 8 July 1938  
Chapter 1

General Provisions

Article 1. Territory of the State. For the purposes of this law, by "territory of the State" is meant any territory in any manner subject to the sovereignty

1 Le texte français de cette loi a été fourni par la Mission permanente de la Grèce auprès de l'Organisation des Nations Unies.
of the Italian State, including the territorial waters with their sea bottom and the aerial space above them.

Article 2. Acts of hostility prohibited in the territory of the State. In the territory of the State, acts of hostility on the parts of belligerents, including the visit and capture of ships and aircraft, are prohibited. The territory of the State may not be used as a base for hostile operations.

CHAPTER II
Special Provisions regarding Maritime Neutrality

Article 13. Innocent passage of war vessels. By royal decree even the innocent passage in the territorial waters of belligerent warships and of ships captured by them may be prohibited. Submarines must in every case navigate on the surface.

Article 14. Mine fields. Whenever automatic contact mine fields are to be laid along the coast of the State, every precaution for the safety of navigation shall be taken.

To this end, measures shall be adopted to ensure that unanchored mines or mines which may have broken their moorings shall become harmless after a limited period of time.

The limits of the mined zone shall be notified to the other States and brought to the notice of mariners with proper directions.

Article 15. Capture of vessels in territorial waters. If a vessel has been captured by a belligerent in the territorial waters of the State and is still within these waters, every possible means shall be employed in order that it may be released with its crew and cargo. The crew placed on board by the capturing vessel shall be interned.

If the captured vessel has already departed from the territorial waters of the State, the Government of the capturing vessel shall be asked to release the vessel with its crew and cargo.

Article 16. Prize courts; radio stations; naval bases. Belligerents shall not be permitted to establish prize courts in the territory of the State, to install there radio stations or apparatus designed to serve as a means of communication between belligerent forces, or to use the ports, roadsteads and territorial waters of the State as bases of naval operations.

Article 17. Number of war vessels permitted to sojourn in the territorial waters. Excepting in case of bad weather or damage, not more than three warships of any of the belligerent parties shall be permitted for each sector of coastline to remain temporarily in the ports, roadsteads and territorial waters of the State.

Article 18. Sojourn of war vessels in the territorial waters. The war vessels of belligerents and ships captured by them may not remain in the ports, roadsteads and territorial waters of the State more than twenty-four hours, excepting in case of bad weather or damage. In any event they must depart as soon as the cause of delay has ceased.

During the sojourn mentioned in the preceding paragraph, the vessels may not sell or give away captured articles.

It is incumbent upon the port authorities to enforce the execution of the foregoing provisions.
Article 19. Captured ships and merchandise. By royal decree belligerents may be permitted, subject to conditions therein to be determined, to bring and to leave in the ports and roadsteads of the State, pending decisions of the prize courts of the capturing State, ships and merchandise captured outside the territorial waters of the State.

Article 20. Treatment of war vessels at the outbreak of hostilities. If, at the beginning of hostilities a belligerent war vessel is to be found in one of the ports, in one of the roadsteads or in the territorial waters of the State, it shall leave within twenty-four hours from the receipt of the corresponding order of the port authority, unless the latter fix a different period, or unless the vessel is unable to depart because of bad weather or damage. In any case, it must leave before the period expires, or as soon as the cause of delay has ceased.

Article 21. Simultaneous sojourn of warships of opposing belligerent parties. If warships of opposing belligerent parties are simultaneously in a port or roadstead of the State, at least twenty-four hours must elapse between the departure of the vessel of one belligerent and of that of the other.

The departure shall be arranged according to the order of arrival, unless in the case of the first arriving vessel there has occurred one of the circumstances which would permit prolongation of the legal duration of sojourn.

A belligerent warship may not leave the port or roadstead of the State, unless twenty-four hours have elapsed since the departure of a merchant vessel of the other belligerent party.

Article 22. Repair of damage sustained by warships. In the ports, roadsteads and territorial waters of the State, belligerent warships may be permitted by the maritime authority to make repairs in so far as may be strictly indispensable for safety of navigation and on condition that such repairs do not increase in any way the war strength of the vessel.

The maritime authority shall satisfy itself as to the nature of the repairs necessary to be made; and these repairs must be effected as rapidly as possible.

Article 23. Supplying of warships. Belligerent warships may not replenish or increase their military supplies or armament, or complete their crews in the ports, roadsteads and territorial waters of the State.

They may nevertheless replenish their provisions for the subsistence of their crews, and take on apparatus necessary for safe navigation and sufficient fuel to enable them to reach the nearest port of the State to which they belong.

The port authorities shall enforce the execution of the foregoing provisions.

Article 24. Restriction governing the furnishing of fuel. Belligerent warships which have taken on fuel in one port of the State may not replenish their supply in the same or in any other port of the State until three months shall have elapsed.

Article 25. Ships on special missions. The restrictions set forth in the preceding articles relative to sojourn in the ports, roadsteads and territorial waters of the State are not applicable to vessels of belligerent States despatched exclusively on religious, scientific or humanitarian missions.

Article 26. Failure to observe order to leave port. A belligerent warship which fails to obey an order to leave the port, roadstead or territorial waters
of the State within the period specified shall be put in such condition as not to be able to take to sea for the entire duration of the war.

The officers and crew shall be subjected to such restrictive measures as the Duce may determine.

**Article 27. Members of the armed forces of a belligerent State rescued outside the territorial waters.** Members of the armed forces of a belligerent State who may be rescued outside the territorial waters of the State and put ashore by an Italian war vessel shall be interned.

**Article 28. Aircraft on board warships.** Aircraft on board belligerent warships, including aircraft-carriers, are considered as being a part of such warships.

### Netherlands

(a) **Proclamation of Neutrality in the Russo-Japanese War,**
12 February 1904

*Article III.* It is forbidden to equip within the territory of the Kingdom vessels destined for military purposes for the profit of the belligerent parties, to arm or man them or to convey to or provide them for the said parties.

*Article IV.* It is forbidden to provide war ships of the belligerent parties with arms or munition within the territory of the Kingdom, and in any way to give assistance in increasing their crew, arms or equipment and in the carrying out of improvements or repairs, as also to furnish them with the materials and tools necessary therefor.

The same is forbidden with regard to any vessel which is evidently destined to directly carry to a war ship of one of the belligerent parties the assistance or goods mentioned in the first clause.

*Article V.* It is forbidden to provide war ships of the belligerent parties with provisions or fuel within the territory of the Kingdom without previous authorization from the competent authorities on the spot.

*Article VIII.* In the territory of the Kingdom is included the marginal sea to a distance of three nautical miles of 60 to the degree of latitude measured from low water mark. As concerns the bays this distance of three leagues is measured from a straight line drawn across the bay as near as possible to the entrance at the first point where the opening of the bay does not exceed 60 degrees latitude.

(b) **Proclamation of Neutrality in the Italo-Turkish War,**
3 October 1911

*Article IV.* Except in the cases provided for by articles 5 and 7, warships or suchlike vessels of the belligerents shall not be allowed to remain within the territory of the State for a longer period than 24 hours after obtaining the consent of the local authority.

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Article V. Extension of the period mentioned in the preceding article shall only be granted in case of damage or on account of the condition of the sea. As soon as the reason for the delay is removed the ship shall leave.

Article VI. The maximum number of warships or suchlike vessels of one and the same belligerent party, that shall be allowed at the same time to be within the territory of the State, in one and the same continent, is fixed at three, except in the case of an increase occasioned by damage or the condition of the sea.

Article VII. The rules relating to the restricting of the stay of warships or suchlike vessels do not apply to the vessels which are used exclusively for religious, scientific or humane purposes.

Article XI. A prize may only be brought within the territory of the State in case of unseaworthiness, the condition of the sea, or lack of fuel or provisions.
It shall leave again as soon as the reason, justifying its entrance, has ceased to exist.
If this is done, orders shall be clearly given for it to leave immediately; should it disobey these orders, the available means shall be applied to liberate the prize, its officers and crew, and to restrain the crew placed on board the prize.

Article XII. It is prohibited to form fighting forces for warships or to open a recruiting bureau within the territory of the State.

Article XIII. It is prohibited to take war service on a warship or suchlike vessel within the territory of the State.

Article XIV. It is forbidden, within the territory of the State, in the interest of one of the belligerents, to equip, arm or man vessels destined for military purposes or to convey to or furnish a belligerent with such vessels.

Article XV. It is forbidden, within the territory of the State, to supply a warship or suchlike vessel with arms of war or ammunition, as well as in any way to assist in an increase of their equipment or crew.

Article XVI. It is forbidden, within the territory of the State, without previous authorization of the proper authority of the place, to furnish warships or suchlike vessels of a belligerent provisions or fuel or to repair them.

Article XVII. It is forbidden, within the territory of the State, to assist in the dismantling or repairing of a prize, except in so far as may be necessary to make it seaworthy, as also to purchase prizes or prize wares, to accept in exchange or as a gift or to have the care of such.

Article XVIII. Under the territory of the State is understood the sea adjacent to the coast to a distance of three nautical miles, of 60 to the degree of latitude measured from low water mark.
In regard to bays, that distance of three nautical miles is measured from a straight line athwart the bay, as near as possible to the entrance at the first point where the opening of the bay does not extend ten nautical miles of 60 degrees latitude.
Article 1. No hostilities shall be permitted within the territory of the State, comprising the territory of the kingdom in Europe, as well as the colonies and possessions in other parts of the world, nor may that territory be used as a base for hostile operations.

Article 2. No occupation of any part of the territory of the State by a belligerent shall be permitted, nor the passage by land through that territory of troops, convoys of ammunition and provisions belonging to one of the belligerents, nor the passage of belligerent warships or vessels converted into warships through Netherland waters situated within the territorial waters.

Article 3. Troops or soldiers belonging to or destined for the belligerents shall, on entering the territory of the State by land, be immediately disarmed and interned until the end of the war.

Warships or vessels converted into warships belonging to a belligerent which act contrary to the provisions of Articles 2, 4, or 7, may not leave that territory before the end of the war.

Article 4. Warships of a belligerent or vessels converted into warships shall not be admitted within the territory of the State.

Article 5. The provisions of the preceding Article do not apply to —

(1) Warships of a belligerent or vessels converted into warships, which on account of damage or of stress of weather are forced of necessity to enter one of the ports or roadsteads of the State. These ships will be required to leave again as soon as the circumstances which necessitated their entering the port have ceased to exist.

(2) Warships or vessels converted into warships belonging to a belligerent which call at a port or roadstead within the territory of the colonies or possessions in other continents exclusively for the purpose of replenishing their supply of provisions or fuel. These ships will have to leave again as soon as the circumstances which rendered it necessary for them to enter the port or roadstead have ceased to exist, provided that they shall in no case be permitted to stay in the port or roadstead longer than twenty-four hours.

(3) Warships of a belligerent or vessels converted into warships which are used exclusively for a religious, scientific, or philanthropic mission.

Article 6. Warships of a belligerent or vessels converted into warships may carry out in the ports and roadsteads of the State only such repairs as are indispensable for safe navigation, and they may not in any manner whatsoever add to their fighting capacity.

Article 7. Any warships of a belligerent or vessels converted into warships which may be within the territory of the State at the time of the outbreak of the war shall be bound to leave within twenty-four hours from the promulgation of the present provisions.

Article 8. If warships or vessels converted into warships belonging to belligerents are situated simultaneously in the circumstances mentioned in Article 5, in the same continent within the territory of the State, at least

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twenty-four hours must elapse between the departures of the ships hostile to one another.

The order of departure shall be determined by the order of arrival, special circumstances excepted.

A warship or a vessel converted into a warship belonging to one of the belligerents may not leave the territory of the State within twenty-four hours after the departure of a merchant-ship flying the flag of her enemy.

**Article 9.** Warships of a belligerent or vessels converted into warships, mentioned in Articles 5 and 7, may not take in provisions in the ports and roadsteads of the State beyond replenishing their supplies so as to bring them up to their normal supply in time of peace.

Nor may they take in fuel beyond the quantity which, together with the supply still on board, is required to enable them to reach the nearest port of their own country.

The same ship may not again be supplied with fuel until at least three months have expired from the date of a previous replenishment within the territory of the State.

**Article 10.** A prize may be brought into the territory of the State only on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end.

If it does not do so, the order to leave at once shall be notified to it; should it fail to obey, use will be made of the available means to release it, together with its officers and crew, and to intern the prize crew.

**Article 11.** It is forbidden within the territory of the State to form corps of combatants or to open recruiting agencies on behalf of the belligerents.

**Article 12.** It is forbidden within the territory of the State to take service on board warships or vessels converted into warships belonging to a belligerent.

**Article 13.** It is forbidden within the territory of the State, and on behalf of a belligerent, to equip, arm, or man vessels destined for warlike purposes, or to furnish or supply such vessels to a belligerent.

**Article 14.** It is forbidden within the territory of the State to supply arms or ammunition to warships or vessels equivalent to warships belonging to a belligerent, or to help them in any way to add to their crews or equipment.

**Article 15.** It is forbidden within the territory of the State to carry out any repairs, or to supply provisions or fuel, to warships or vessels equivalent to warships belonging to a belligerent, without previous authorization of the competent local authority.

**Article 16.** It is forbidden within the territory of the State to assist in dismantling or repairing prizes, except in so far as is necessary to render them seaworthy, or to buy, receive in barter or as a gift, or have in custody any vessel or goods being prizes of war.

**Article 17.** The territory of the State includes the coastal sea to a distance of 3 nautical miles of 60 to the degree of latitude measured from the low-water line.

In the case of bays, this distance of 3 nautical miles shall be measured from a straight line drawn across the bay as near as possible to the entrance,
at the first point where the mouth of the bay does not exceed 10 nautical miles of 60 to the degree of latitude.

(d) Proclamation of Neutrality, 3 September 1939

Article 1. (1) No hostile acts of any kind are permitted in the jurisdiction of the Kingdom of the Netherlands comprising the land and water area of the Netherlands, Netherlands India, Surinam and Curaçao, the territorial waters, and the air-space above this land and water area and these territorial waters. This area may not be used by any of the belligerents as a base of operations against the enemy.

(2) By territorial waters is understood the coastal waters up to a distance of three marine miles, of sixty to the degree of latitude, measured from the low-water mark. With respect to bays, the distance of three marine miles is measured from a straight line drawn across the mouth of the bay; in case the mouth of the bay is wider than ten marine miles, the line shall be drawn in the entrance as close as possible to the first point at which the width does not exceed ten marine miles. The roadsteads, the boundaries of which are fixed by the Government, are included in the territorial sea, although these boundaries might extend farther than three marine miles from low-water mark.

Article 2. It is forbidden to the belligerents:

(1) To occupy any part of the jurisdiction with their armed forces;

(2) To enter into or traverse this area with troops or detachments thereof, including convoys. By convoys is understood transports with military escort and, moreover, transports without military escort which have the character of supply transports;

(3) To enter into or traverse this area with

(a) Warships and troop-ships;

(b) Merchant ships, flying the flag of one of the belligerents, the construction, equipment or manning of which gives reason to suppose that they have been used in an immediately preceding period as warship, mine-layer, or troop-ship, or shall be used therefor in an immediately following period;

(c) Merchant ships, flying the flag of one of the belligerent parties, which carry loaded mines;

(d) Merchant ships, flying the flag of one of the belligerent parties, which have on board military aircraft in condition for use;

(4) To enter into or traverse this area with military aircraft, aircraft for troop transport, or aircraft moving in a condition in which they are ready for immediate attack.

Article 3. Merchant ships provided with guns for defensive purposes, after having fulfilled the requirements for safety fixed by the local authorities, are admitted to the ports and roadsteads only up to a number commensurate with the safety of the country as decided by the local authority and provided that the number of their guns above 8 cm, caliber is not more than two and their caliber less than 16 cm., and if the size of their crews does not exceed appreciably the normal strength necessary for commercial purposes.

1 Déak and Jessup, Neutrality Laws, Regulations and Treaties, 1939, p. 823. (Loose-leaf)
Article 4. (1) Troops or detachments thereof belonging to the belligerents and entering the jurisdiction are disarmed and interned.

(2) Warships or vessels of belligerents assimilated to them in article 2, section 3, which violate the provisions of articles 2 or 8, are interned with their crews and military passengers.

(3) Military aircraft or aircraft of belligerents assimilated to them in article 2, section 4, entering the jurisdiction, are interned with their crews and military passengers. For this they shall be forced to land or alight on water if they have not already done so voluntarily. When such aircraft are within the jurisdiction at the time of publication of the neutrality proclamation, they are interned.

(4) Aircraft carried on board warships (aircraft carriers or others) or vessels assimilated to them in article 2, section 3, shall be regarded as a part of such ships on condition that they remain in a state of rest during their stay in the jurisdiction. In case of non-observance of this condition, they are treated as military aircraft.

Article 5. As exceptions to article 4, the following are not interned:

(1) Shipwrecked persons who reach land or are rescued from the sea by a merchant ship or non-military aircraft, including sick and wounded persons who are taken on at sea by such craft and brought to land unless a treaty has been concluded with the opposing belligerent on the subject of internment and unless the shipwreck, or the rescue of the sick and wounded, has taken place within the jurisdiction and the presence there of the craft in view of the regulations of this proclamation was not allowed;

(2) Military passengers of a merchant ship, not coming under the regulations of article 2, which enters the jurisdiction solely for the purpose of making for a port or roadstead.

Likewise the following are not interned:

(3) Escaped prisoners of war;

(4) Deserterers.

Article 6. The stipulations in article 2, section 3, and article 4, paragraphs 2 and 3, are not applicable to:

(1) Warships or craft assimilated to them in article 2, section 3, which prove that they are forced to enter the ports or roadsteads of the State on account of sea damage or the condition of the sea, provided that this does not occur while pursued by the enemy.

These ships shall be allowed to repair their damages—no matter in what manner they have been caused—in the port where they have landed, so far as this is indispensable to seaworthiness and without in addition increasing their fighting strength in any way. They shall be obliged to leave as soon as the circumstances which made their landing necessary have ceased to exist. The Government may fix a time-limit after the expiration of which the internment of ship, crew, and military passengers shall result. Members of the crew and military passengers who remain behind after the departure of the ship are interned.

(2) Warships or craft of belligerents assimilated to them in article 2, section 3, which can prove that their entrance into the jurisdiction occurred unintentionally and in spite of the circumstance that the utmost precautions had been taken for the avoidance of such entrance.

(3) Warships or craft assimilated to them in article 2, section 3, as well as military aircraft or craft of belligerents assimilated to them in article 2,
sections 3 and 4, which are used exclusively for a religious, scientific or humanitarian purpose.

Article 7. Of the Straits situated in the Netherland jurisdiction, passage by warships belonging to a belligerent or craft assimilated thereto in article 2, section 3, is allowed only through the Sunda Straits provided that the commanders of the ships announce their desire therefor beforehand to the local patrol boats and abide strictly by the rules of Article 1 and by the rules of the authorities concerned.

Article 8. A warship of a belligerent or a craft assimilated thereto which is in the jurisdiction at the outbreak of war must depart within the time-limit fixed by the local authorities.

Article 9. (1) Whenever warships of opposing belligerents or craft assimilated to them in article 2, section 3, which come under articles 6 or 8, are simultaneously in each other's vicinity within the jurisdiction, at least 24 hours must elapse between the departures of the opposing enemy ships. Except for special circumstances, the order of departure is determined by the order of arrival.

(2) A warship or a craft of one of the belligerents assimilated to it in article 2, section 3, may not leave the same or a nearby port or roadstead within 24 hours after the departure of a merchant ship flying the flag of its opponent.

Article 10. (1) Whenever a warship or a craft of one of the belligerents assimilated to it in article 2, section 3, is at the outbreak of war in the jurisdiction, it may be allowed to procure provisions and water up to the normal supply and fuel up to that amount which, including the supply still remaining on board, will be necessary for it to reach its nearest own port or that of an ally.

(2) Ships which in conformity with article 6, section 1, are admitted to the jurisdiction on account of sea damage or the condition of the sea, may replenish their provisions, water, and fuel to the amount necessary for consumption during their stay.

Article 11. Prizes are not admitted into the jurisdiction. If a prize enters the jurisdiction, it is freed together with its passengers. The prize crew is interned unless entrance into the jurisdiction was necessitated by sea damage or the condition of the sea.

Article 12. War material which is washed up on the shore of the country or encountered at sea and brought in, is interned or destroyed if public safety makes this necessary.

Article 13. It is forbidden to form fighting corps on behalf of the belligerents or to open recruiting offices in the jurisdiction.

Article 14. It is forbidden within the jurisdiction to enlist for service on warships of one of the belligerents or vessels assimilated to them in article 2, section 3.

Article 15. It is forbidden in the jurisdiction to equip, arm, or man on behalf of a belligerent craft destined for military purposes or to acquire or supply such craft to a belligerent.

Article 16. It is forbidden in the jurisdiction to supply arms or ammunition to warships of a belligerent or craft assimilated to them in article 2, section 3, as also to assist them in any way in increasing their crew or equipment.
Article 17. It is forbidden in the jurisdiction to effect repairs and to supply repair material, tools, provisions, water, or fuel to the warships of the belligerents or craft assimilated to them in article 2, section 3, without prior permission of the qualified local authorities.

Article 18. (1) It is forbidden to keep within the jurisdiction supplies of arms, ammunition, repair material, tools, fuels, and all other material necessary for the conduct of war with the manifest purpose to await an opportunity to turn these over in the vicinity of the jurisdiction to the naval forces of one of the belligerents.

(2) It is likewise forbidden to supply directly from within the jurisdiction to the naval forces of a belligerent present in the vicinity thereof, arms, ammunition, repair material, tools, fuels, and all material necessary for the conduct of war.

Article 19. (1) Departure from the jurisdiction is forbidden to every aircraft,

1. Which, within the jurisdiction, is put in a condition enabling it to carry out an attack;

2. Which possesses or transports instruments or materials the nature or use of which enables it to carry out an attack;

3. Which there is reason to believe is intended to be used on its journey against one of the belligerents;

4. The crew of which belongs to a part of the armed forces of one of the belligerents.

(2) The stipulations of the first section of this article do not apply to neutral military aircraft which have entered the jurisdiction with the consent of the Government after the outbreak of war.

(3) It is forbidden to carry out any work on an aircraft the purpose of which it is to make it ready for a departure in conflict with the aim of this article.

Article 20. It is forbidden in the jurisdiction to carry out in the air with aircraft of any kind observations of the movements, operations, or means of defense of one of the belligerents with the purpose of informing the other belligerent thereof.

Article 21. It is forbidden in the jurisdiction to erect or use radio stations or other means of communication in the service of one of the belligerent powers.

Article 22. (1) It is forbidden in the jurisdiction to use radio stations for broadcasting information about armed forces beyond the jurisdiction.

(2) Ships or aircraft in the jurisdiction may not use their radio except for distress signals and signals necessary for navigation stations and for meteorological purposes.

Article 23. (1) Furthermore, attention is called to article 100, section (1) and article 205 of the Netherland Penal Code, article 122, section (1) and article 238 of the Indian Penal Code, article 106, section (1) and article 211 of the Surinam Penal Code, article 106, section (1) and article 211 of the Curaçao Penal Code; to article 7, section 4, of the law on Netherland citizenship and domicile of 1892 (recently republished in the Nederlandsch Staatsblad of 1937, No. 206); to article 2, first part, section 3 of the law on the nationality of Netherland subject peoples of February 10, 1910 (Nederlandsch

(2) Likewise, the attention of ship commanders, shipowners, pilots of aircraft, aircraft managements, and freighters of ships and aircraft is called to the danger and losses to which they would expose themselves by not observing a real blockade of the belligerents, by carrying for the belligerents goods contraband of war or military dispatches (except in the regular postal service), or by giving help to them in violation of neutrality.

Surinam

Proclamation of Neutrality, 3 September 1939, under The Netherlands (d), published in Gouvernementsblad, 1939, No. 61

Netherlands Antilles

Declaration of Neutrality of the Netherlands Antilles (Text in Annex to Curacaoche Courant of 3 September 1939)

Nicaragua

Circular of the Minister for Foreign Affairs to the Port Commander of Corinto, [and] San Juan del Sur, and to the Governor and Intendant of Bluefields, [and] San Juan del Norte, providing for the dismantling of wireless installations on belligerent merchant vessels, 20 August 1914

In order to preserve Nicaraguan neutrality in the war which various European powers are now waging, you shall be good enough to advise this department, by telegram, of the arrival at your port of any merchant vessel of the belligerent nations; viz., England, France, Germany, Austria-Hungary and Russia, [while] warning them that they must dismantle their wireless installations and not make use of them while the vessel is within the territorial waters of Nicaragua.

Norway

Royal Proclamation of 13 May 1938, containing certain provisions relating to the neutrality of Norway

The following provisions relating to the Neutrality of Norway in case of war between Foreign Powers shall apply from such date and to such extent as may be determined by the King.

2 Text of Proclamation provided by the Permanent Mission of Norway to the United Nations.

Royal Decree of 2 December 1938 provides: “The neutrality regulations embodied in Royal Notice of 13 May 1938 shall, as from 3 December 1938, apply during hostilities between foreign Powers unless the King decides otherwise in a particular case.”
Article 1. Warships belonging to a Belligerent are admitted to Norwegian territorial waters, subject to such exceptions, restrictions, and conditions as are set out below.

Article 2. (1) Warships belonging to a Belligerent are not admitted to ports and harbour districts which have been declared to be Norwegian war-ports or to pertain to the protection zones of the coast defences.

(2) Warships belonging to a Belligerent are not admitted to interior territorial waters the entrance of which is barred by submarine mines or by other means of defence.

By Norwegian interior territorial waters are in this proclamation meant Norwegian ports, entrances to ports, bays and fjords, as well as such areas of Norwegian territorial waters as are situated between Norwegian islands, islets and rocks which are not constantly submerged, or situated between these and the mainland.

(3) Submarines belonging to a Belligerent and equipped for war are not permitted to navigate or to remain in Norwegian territorial waters.

This prohibition shall not, however, apply to submarines which, on account of stress of weather or damage sustained, have been obliged to enter a prohibited zone, and which by means of international signal indicate the reason of their presence. The submarine shall leave the zone as soon as may be after the cause of its entry has ceased to exist. Submarines shall, if not prevented by the force of circumstances, in Norwegian territorial waters proceed on the surface and constantly fly their national flag.

(4) The King reserves the right, when special circumstances render such measures necessary in order to safeguard the sovereign rights of the Kingdom and to maintain its neutrality in accordance with the general principles of international law, to forbid access to other Norwegian ports and other delimited areas of Norwegian territorial waters besides those mentioned above.

(5) The King likewise reserves the right to forbid access to Norwegian ports and anchorages with regard to such warships belonging to a Belligerent as have failed to comply with the decisions of the competent authorities or have violated the neutrality of the Kingdom.

Article 3. (1) Privateers shall not be admitted to Norwegian ports or to other Norwegian territorial waters.

(2) Nor shall any armed merchant ship belonging to a Belligerent be admitted to Norwegian ports or to other Norwegian territorial waters if the armament is intended for other purposes than self-defence.

Article 4. (1) Warships belonging to a Belligerent are forbidden to remain in Norwegian ports, anchorages or in other Norwegian territorial waters for more than twenty-four hours, except on account of damage, running aground, stress of weather, or in the cases mentioned hereinafter in paragraphs (3) and (4). In such cases the ship shall depart immediately after the cause of the delay has ceased to exist; in the case of damage or grounding the competent authority shall fix a time deemed sufficient to allow the ship to have her damage repaired and, in the case of striking, to get off the ground. No prolongation of the stay will, however, be granted beyond twenty-four hours if it is obvious that the ship cannot be made seaworthy within a reasonable time, or if the damage has been caused by an act of war by the adversary.
The above provisions relating to the limitation of the stay do not apply to warships devoted exclusively to religious, scientific, or humanitarian purposes, nor to military hospital ships.

(2) The number of warships belonging to the same Belligerent or to several Belligerents which may be present simultaneously in the same Norwegian port or anchorage, or in ports and anchorages situated in the same maritime district, in case the coast should have been divided into districts for the purpose, shall not exceed three.

(3) If warships belonging to both belligerent Parties are present simultaneously in the same Norwegian port or anchorage, a period of not less than twenty-four hours must elapse between the departure of the warship belonging to the other. The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstances that an extension of its stay is granted.

(4) If a warship belonging to a Belligerent and a merchant ship flying the flag of the adversary are present simultaneously in the same Norwegian port or anchorage, the warship shall not leave the port or the anchorage until at least twenty-four hours have elapsed after the departure of the merchant ship. The competent authorities shall arrange the departure of the merchant ship in such a manner as to avoid unnecessary prolongation of the stay of the warship.

Article 5. (1) Warships belonging to a Belligerent may in Norwegian ports and anchorages carry out only such repairs of damage sustained as are absolutely necessary to render the ships seaworthy; but no work must be done that in any manner whatsoever may add to their fighting force. Damage clearly caused by acts of war by the adversary must not be repaired by means of assistance procured in Norwegian territory. The competent Norwegian authorities shall decide what repairs may be effected, and such repairs shall then be carried out as quickly as possible and within the limit of time granted according to article four, paragraph (1).

(2) Warships belonging to a Belligerent are forbidden to make use of Norwegian ports or other Norwegian territorial waters for renewing or increasing their military supplies or armaments or for completing their crews.

(3) Warships belonging to a Belligerent may not in Norwegian ports or anchorages take in larger quantities of provisions than is necessary to bring up their supplies to the peace standard.

(4) Warships belonging to a Belligerent are with regard to fuel to be supplied in Norwegian ports or anchorages subject to the same regulations as in this respect apply to other foreign ships. Warships belonging to a Belligerent may, however, take in only such quantity of fuel as is necessary to enable them to reach the nearest port of their own country, and under no circumstances in greater quantity than is necessary to fill up their real bunkers or fuel tanks. The same ship may not take in afresh fuel in a Norwegian port or anchorage within the succeeding three months after the ship has last taken in fuel in a Norwegian port or anchorage.

Article 6. The warships of Belligerents shall in Norwegian territorial waters employ the licensed pilots of the Kingdom in those cases in which employment of a pilot is prescribed; but they may not otherwise employ these pilots except in case of distress in order to escape perils of the sea.
**Article 7.** (1) A captured ship of foreign nationality must not be brought into a Norwegian port or to a Norwegian anchorage except on account of unseaworthiness, stress of weather, or want of fuel or provisions. A ship which for such reason has been brought into a Norwegian port or to a Norwegian anchorage, shall depart as soon as the reason for its entry is at an end.

(2) A belligerent Power may not set up any prize court on Norwegian territory or on board a ship in Norwegian territorial waters. The sale of a captured ship in a Norwegian port or anchorage is likewise forbidden.

**Article 8.** (1) Military aircraft belonging to a Belligerent must not, with the exception of ambulance aircraft and aircraft carried on board warships, enter Norwegian territory, provided that no provisions to the contrary are in force or may be made with regard to special areas in accordance with the general principles of international law.

(2) Aircraft carried on board a warship belonging to a Belligerent must not leave the warship so long as the ship remains in Norwegian territorial waters.

**Article 9.** (1) The warships and military aircraft of the Belligerents are bound to respect the sovereign rights of the Kingdom and to refrain from any act that would violate its neutrality.

(2) All hostile acts, including those of stopping, visiting, and capturing ships or aircraft, whether neutral or belonging to the adversary, are forbidden in Norwegian territory. If a ship or aircraft is captured there, it shall be set free with its officers, crew, and cargo.

**Article 10.** The regulations in force relating to health, pilotage, customs, traffic, ports and police shall be strictly observed.

**Article 11.** None of the Belligerents may use Norwegian territory as a base of military operations against their adversary.

**Article 12.** (1) Belligerents or persons in their service are forbidden to equip or operate in Norwegian territory radiostations or to erect there any other apparatus intended to serve as a means of communication for belligerent military, naval, or air forces.

(2) Movable radiostations of the Belligerents must not, whether belonging to the fighting forces or not, be used in Norwegian territory for sending radio communications, except in case of distress or for communicating with Norwegian authorities over a Norwegian coast or land radiostation or with a radiostation equipped on board a ship belonging to the Norwegian navy.

**Article 13.** It is forbidden in Norwegian territory to make observations from aircraft or otherwise concerning the movements, military operations or measures of defence of the Belligerents with an intention to give the other belligerent Party information thereof.

**Article 14.** (1) Belligerents may not establish fuel-depots upon Norwegian territory or on vessels stationed in Norwegian territorial waters.

(2) Ships or aircraft which are manifestly navigating for the purpose of carrying fuel or other necessaries direct to the fighting forces of the Belligerents must not in Norwegian ports or anchorages take in a larger quantity of such necessaries than is needed for their own requirements.

**Article 15.** (1) Ships intended to be employed for measures directed against maritime trade or to co-operate in hostile measures directed against any of the Belligerents must not be equipped or armed in Norwegian
territory. Nor must any ship which is intended to be used as said above, and which in Norwegian territory has wholly or in part been equipped for war, leave the territory.

(2) Aircraft which is able to take up the offensive against Belligerents, or which carries material that may be placed or used in such a way as to enable it to take up the offensive, must not leave Norwegian territory, if there is reason to believe that the aircraft is intended to be used against a belligerent Power. Nor must in Norwegian territory any work be carried out in any aircraft for the purpose of preparing departure with the said intention in view.

**Sweden**

**RULES OF NEUTRALITY, 27 MAY 1938**

With respect to the neutrality of Sweden in case of war between foreign Powers the following rules shall be applied from the date and in the manner fixed by the King.

*Article 1.* Admission into the ports and other territorial waters of the Kingdom is accorded to belligerent warships subject to the following exceptions, restrictions and conditions.

*Article 2.*

(1) Access to the ports and maritime areas which shall have been declared closed ports or belonging to the protective zones of coastal defense installations, is prohibited to belligerent warships.

(2) Access to inner waters whose entrance is barred either by submarine mines or by other means of defense is equally prohibited to belligerent warships.

By “inner Swedish waters” the present decree includes the ports, entrances to ports, gulfs and bays, as well as the waters situated between and within Swedish islands, islets and reefs which are not continually submerged; only ports and entrances to ports are to be considered as inner waters in the Sound to the north of the parallel of latitude drawn through the lighthouse of Klagshamn.

(3) Navigation or sojourn in Swedish territorial waters is prohibited to belligerent submarines armed for war.

This prohibition is not applicable, however, to the traversing without unnecessary stoppage of the zone of exterior Swedish waters in the Sound bounded on the north by a line drawn from Kullen to Gilbjerghoved, and on the south by a line drawn from the point of Falsterbo to the lighthouse of Stevn, nor to submarines compelled by the condition of the sea or on account of damages to enter prohibited waters and which indicate, by means of an international signal, the cause of their presence in these waters. The said submarines will be required to leave the prohibited waters as soon as the cause on account of which they entered shall have ceased to exist.

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2. By Swedish territory is understood all Swedish lands and waters, as well as the air-space thereabove. Seaward, Swedish territory extends to a distance of four marine miles, or 7408 meters, from land or from lines constituting on this side the limit of inner waters. See the Customs Regulation of October 7, 1927, Article 1, and the Royal Letter of May 4, 1934, concerning the fixation of the limit of the Swedish customs zone, with charts relating thereto.
Swedish territorial waters submarines shall constantly fly their national flag, and, except in case of imperative necessity, shall navigate on the surface.

(4) The King reserves the right, in case of special circumstances, in order to safeguard sovereign rights and to maintain the neutrality of the Kingdom, while observing the general principles of international law, to prohibit access to Swedish ports and to other zones determined to be Swedish territorial waters other than those to which access is prohibited by the provisions set forth above.

(5) The King likewise reserves the right to prohibit access to Swedish ports and anchorages to those belligerent vessels of war which have neglected to conform to the regulations decreed by the competent Swedish authorities or which have violated the neutrality of the Kingdom.

Article 3. (1) Commerce destroyers [corsaires] shall not be permitted to enter Swedish ports, nor to sojourn in Swedish territorial waters.

(2) Access to Swedish ports or to Swedish territorial waters is likewise prohibited to armed merchant ships of the belligerents, if the armament is destined to ends other than their own defense.

Article 4. (1) Belligerent warships are prohibited to remain in Swedish ports and anchorages or in other Swedish waters for more than 24 hours, except on account of damages or of stranding, the condition of the sea, or in the cases provided for in paragraphs 3 and 4 below. In such cases they must leave as soon as the cause of the delay shall have ceased to exist. In case of damages or of stranding, the competent Swedish authority will fix a time limit deemed to be sufficient for the repairing of the damages or for the refloating of the vessel. No extension of the sojourn beyond 24 hours will be permitted, however, if it is manifest that the vessel cannot be rendered navigable within a reasonable delay, or when the damages shall have been caused by an act of war of the enemy.

The foregoing provisions relative to the limitation of the sojourn are not applicable to warships devoted exclusively to a religious, scientific or humanitarian mission, nor to military hospital ships.

(2) The maximum number of warships of a belligerent Power or of several allied belligerent Powers which shall be admitted to sojourn at the same time in a Swedish port or anchorage, or in the ports or anchorages of the same coastal district of Sweden when the coast shall have been divided for that purpose into districts, shall be three.

(3) When warships of the two belligerent parties sojourn at the same time in a Swedish port or anchorage, a period of at least 24 hours must elapse between the departure of a ship of one belligerent party and that of a ship of the other, the order of departure being determined by the order of arrival, except when the prolongation of the sojourn of the ship which first arrived is permissible.

(4) A belligerent warship may not leave a Swedish port or anchorage where there is a merchant vessel flying the flag of the adversary less than 24 hours after the departure of the said merchant vessel. The competent authorities shall regulate the departures of merchant vessels in such a way as to avoid prolonging unnecessarily the sojourn of the warship.

Article 5. (1) In Swedish ports or anchorages belligerent warships may repair damages only to the extent indispensable to the safety of their navigation, and they may not increase in any manner their military force. Damaged ships may procure no aid on Swedish territory for the repairing
of damages manifestly caused by acts of war of the adversary. The compe-
tent Swedish authorities shall determine the nature of the repairs to be
made. The repairs shall be made as rapidly as possible and within the time
limit provided for by article 4, paragraph 1.

(2) Belligerent warships are prohibited to make use of Swedish ports or
other Swedish territorial waters for renewing or augmenting their military
provisions or their armament, or for completing their crews.

(3) Belligerent warships may revictual in Swedish ports or anchorages
only for completing their normal peace-time provisioning.

(4) In Swedish ports and anchorages belligerent warships will be
subjected, so far as concerns refueling, to the same regulations as other
foreign vessels. They make take aboard, however, only the quantity of fuel
necessary for reaching the nearest port of their own country, and in no case
a quantity exceeding that necessary for completely filling their own bunkers
or their liquid fuel tanks. After having taken on board fuel in one of the
ports or anchorages of the Kingdom, they may not renew their provisioning
in its ports and anchorages before the expiration of a period of three months.

Article 6. Belligerent warships are required to use in inner Swedish
waters pilots licensed by the Kingdom, according to the same rules as those
applied where they are to be applied to vessels of war in time of peace, but
otherwise they may make use of the service of such a pilot only in case of
distress to escape a peril of the sea.

Article 7. (1) It is prohibited to bring prizes of foreign nationality
into a Swedish port or anchorage, except in case of unseaworthiness, rough
weather, shortage of fuel or provisions. Any prize brought into a Swedish
port or anchorage for one of the above-mentioned causes must depart as
soon as the cause thereof shall have ceased.

(2) No prize court may be established by a belligerent either on Swedish
territory or on a ship in Swedish territorial waters. The sale of prizes in
a Swedish port or anchorage is equally prohibited.

Article 8. (1) Military aircraft of the belligerents, with the exception
of aerial ambulances and aerial transports on board warships, shall not be
admitted into Swedish territory, except when regulations to the contrary
apply or may become applicable so far as certain spaces are concerned
conformable to the general principles of international law.

In the Sound, the said aircraft may traverse without unnecessary stoppage
the exterior territorial waters of Sweden, bounded as set forth in article 2,
paragraph 3, and the air-space thereabove. They will be required in
passing to keep as far as possible from the coast.

(2) Aircraft transported on board belligerent warships are prohibited
to leave these ships so long as they are in Swedish territorial waters.

Article 9. (1) Belligerent warships and military aircraft are required
to respect the sovereign rights of the Kingdom and to abstain from all acts
which would be contrary to its neutrality.

(2) All acts of hostility are prohibited within the limits of Swedish
territory, including arrest, visit and capture of vessels and of aircraft,
whether neutral or belonging to the adversary. Any vessel or aircraft which
may have been captured therein must be immediately released, together
with its officers, crew and cargo.

Article 10. Existing sanitary, pilotage, customs, navigation, aerial move-
ment, harbor and police regulations must be strictly observed.
Article 11. Belligerents are prohibited to make Swedish territory the base of military operations against their adversaries.

Article 12. (1) Belligerents and persons in their service are prohibited to install or to operate in Swedish territory radiotelegraphic stations or any other apparatus destined to serve as a means of communication with the belligerent forces, whether military, naval or aerial.

(2) Belligerents are prohibited to employ in Swedish territory their mobile, radiotelegraphic stations, whether belonging or not to the combatant forces, for the sending of communications, except in case of distress or for corresponding with the Swedish authorities through the intermediary of a Swedish radiotelegraphic station, land or coastal, or via a radiotelegraphic station installed on board a vessel belonging to the Swedish Navy.

Article 13. It is prohibited to carry out in Swedish territory observations from an aircraft, or in any other manner, relating to the movements, operations or defense works of a belligerent with a view to informing the other belligerent.

Article 14. (1) Belligerents are prohibited to establish fuel depots either on the soil of the Kingdom or on board vessels stationed in its territorial waters.

(2) Vessels or aircraft obviously navigating with a view to supplying the combatant forces of the belligerents with fuel or other provisions are prohibited to take on such supplies in Swedish ports or anchorages exceeding in quantity that necessary for their own needs.

Article 15. (1) The fitting out or arming on Swedish territory of any vessel destined to be employed to cruise or engage in operations of war against one of the belligerents is forbidden. Vessels intended to be used for one of the aforementioned purposes and which have been adapted, in whole or in part, in Swedish territory for use in war, are likewise forbidden to leave that territory.

(2) Any aircraft in a condition to commit an attack against a belligerent, or which carries apparatus or material the mounting or utilization of which would permit it to commit an attack, is forbidden to leave Swedish territory if there is reason to presume that it is destined to be employed against a belligerent Power. It is likewise forbidden to perform work on an aircraft in order to prepare its departure for the above-mentioned purpose.

United Kingdom of Great Britain and Northern Ireland

(a) Foreign Jurisdiction Neutrality Order in Council, 1904

2. (1) This Order extends to all persons and to all property subject to the following Orders in Council: “The Muscat Order in Council, 1867”, “The Morocco Order in Council, 1889”, “The Persia Order in Council, 1889”, “The Persian Coasts and Islands Order in Council, 1889”, “The Zanzibar Order in Council, 1897”, “The Ottoman Order in Council, 1899”,

1 The following Orders in Council (a) and (b) affect a number of colonial territories.


7. If the master or owner of any ship subject to this Order, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within the jurisdiction of the Court any of the following persons, in this Order referred to as illegally-enlisted persons; that is to say—

(1) Any person who has accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State, in contravention of article 4 of this Order.

(2) Any person who is about to quit the jurisdiction of the Court, in contravention of article 5 of this Order.

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State:

Such master or owner shall be guilty of an offence against this Order, and the following consequences shall ensue; that is to say—

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of His Majesty's representative; and

(3) All illegally-enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

8. If any person subject to this Order within the jurisdiction of the Court, without the licence of His Majesty, does any of the following acts, that is to say—

(1) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(2) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(3) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(4) Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State;
Such person shall be deemed to have committed an offence against this Order, and the following consequences shall ensue:

1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour;

2. The ship in respect of which any such offence is committed and her equipment shall be forfeited to His Majesty:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this article in respect of such building or equipping if he satisfies the conditions following: that is to say—

1. If forthwith upon a Proclamation of Neutrality being issued by His Majesty, he gives notice to His Majesty's Representative that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by His Majesty's Representative;

2. If he gives such security, and takes and permits to be taken such other measures, if any, as His Majesty's Representative may prescribe for insuring that such ship shall not be dispatched, delivered, or removed without the licence of His Majesty until the termination of such war as aforesaid.

16. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Order, shall require the sanction of His Majesty's Representative, and shall be had in the highest Court of His Majesty having original jurisdiction in such place, and not in any other Court; and the Court shall, in addition to any power given by this Order, have in respect of any person, ship or other matter brought before it in pursuance of this Order, all powers which it has in the case of a person, ship or matter brought before it in the exercise of its ordinary jurisdiction.

21. Where it is represented to any local authority, as defined by this Order, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship subject to this Order has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the jurisdiction of the Court, or that a ship is about to be dispatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to His Majesty's Representative.

26. In this Order, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them, that is to say:

"The Court" shall mean the Court possessing jurisdiction under Article 16 of this Order;
2. This Order shall extend to all the Protectorates of His Majesty, including the adjacent territorial waters, enumerated in the Schedule to this Order.

Illegal Enlistment

7. If the master or owner of any ship, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within a Protectorate any of the following persons, in this Order referred to as illegally enlisted persons; that is to say:

   (1) Any person who, being a British subject or a native of a Protectorate, within or without a Protectorate, has without the licence of His Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State;

   (2) Any person, being a British subject or a native of a Protectorate who, without the licence of His Majesty, is about to quit a Protectorate with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State;

   (3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State:

The master or owner shall be guilty of an offence against this Order, and the following consequences shall ensue; that is to say—

   1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and

   2. Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of a magistrate; and

   3. All illegally enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions

8. If any person within a Protectorate, without the licence of His Majesty, does any of the following acts: that is to say—

   1. Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

   2. Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be

1 Ibid., p. 767 et seq.
employed in the military or naval service of any foreign State at war with any friendly State; or

(3) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State; or

(4) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State;

Such person shall be deemed to have committed an offence against this Order, and the following consequences shall ensue:

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to His Majesty:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid shall not be liable to any of the penalties imposed by this article in respect of such building or equipping if he satisfies the conditions following: that is to say—

(1) If forthwith upon a Proclamation of Neutrality being issued by His Majesty he gives notice to the Governor that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done or to be done under the contract as may be required by the Governor:

(2) If he gives such security and takes and permits to be taken such other measures, if any, as the Governor may prescribe for ensuring that such ship shall not be despatched, delivered or removed without the licence of His Majesty until the termination of such war as aforesaid.

Illegal Prize

14. If, during the continuance of any war in which His Majesty may be neutral, any ship, goods or merchandise captured as prize of war within the territorial jurisdiction of His Majesty, in violation of the neutrality of His Majesty, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may have been augmented, contrary to the provisions of the Foreign Enlistment Act, 1870, or of this Order, or any other Order of the like nature, are brought within the limits of a Protectorate by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorised in that behalf by the Government of the foreign State to which such owner belongs, to make application to the Court for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such Court; and in the
meantime and until a final order has been made of such application, the Court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such Court in the exercise of its ordinary jurisdiction.

Legal Procedure

21. The following officers, that is to say:

(1) Any officer of customs or other public officer drawing a salary of not less than £200 a year in the Protectorate, subject nevertheless to any special or general instructions from the Governor;

(2) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;

(3) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer;

may seize or detain any ship liable to be seized or detained in pursuance of this Order and such officers are in this Order referred to as the “local authority”; but nothing in this Order contained shall derogate from the power of the Court to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

23. If the Governor is satisfied that there is a reasonable and probable cause for believing that a ship within the Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of such Protectorate, or that a ship is about to be despatched contrary to this Order, such Governor shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

24. Where it is represented to any local authority as defined by this Order, and such local authority believes the representation that there is a reasonable and probable cause for believing that a ship within a Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of the Protectorate, or that a ship is about to be despatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Governor.
Interpretation Clause

29. In this Order if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them, that is to say:

"Court" and "magistrate" means respectively such Court and such officer as the Governor may by notification published in the Protectorate from time to time prescribe;

"Foreign State" includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people;

"Military Service" shall include military telegraphy and any other employment whatever in or in connection with any military operation;

"Naval Service" shall as respects a person include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, storeship, privateer or ship under letters of marque; and as respects a ship include any user of a ship as a transport, storeship, privateer or ship under letters of marque;

"The Governor" shall mean the officer by whatever name designated for the time being administering the government of a Protectorate;

"Ship" shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel or other craft or battery, made to move either on the surface of or under water; or sometimes on the surface of and sometimes under water;

SCHEDULE (a)

List of Protectorates to which this Order applies:

Northern Nigeria
Southern Nigeria
Sierra Leone Protectorate
Gambia Protectorate
Lagos Protectorate
Northern Territories of the Gold Coast
Bechuanaland Protectorate
Southern Rhodesia
Barotziland—North-Western Rhodesia
North-Eastern Rhodesia
Swaziland
British Central Africa
British East Africa
Uganda
Somaliland
Weihaiwei (b)
British North Borneo
Brunei
Sarawak
Any protected island or territory for the time being within the limits of the Pacific Order in Council, 1893 (c).

Note. See also: Foreign Enlistment Act, 1870, section 14 (supra, Chapter II, Section A, under United Kingdom (b)); and Queen's Regulations and Admiralty Instructions, 1953, section 2810 (supra, Chapter II, Section A, under United Kingdom (c)).

United States of America

(a) Neutrality Act of 1917

Chapter 12. Vessels in Territorial Waters of United States

Section 191. Regulation of anchorage and movement of vessels during national emergency

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Canal Zone, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) To govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) To safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States, the Canal

Zone, and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this chapter.

Section 192. Seizure and forfeiture of vessel; fine and imprisonment

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

Section 195. "United States" defined

The term "United States" as used in this chapter includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

Section 196. Emergency foreign vessel acquisition: purchase or requisition of vessels lying idle in United States waters

During any period in which vessels may be requisitioned under section 1242 of Title 46, the President is authorized and empowered through the Secretary of Commerce to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by the citizens of the United States which is lying idle in waters within the jurisdiction of the United States, including the Canal Zone, and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 1242 of Title 46. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of section 1242 of Title 46, shall be made from such fund upon the certificate of the Secretary of Commerce.

(b) Proclamation No. 2348 proclaiming the neutrality of the United States in the war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand

And whereas it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

1 54 Stat. 2629 (1939).
Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A.D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A.D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid. (But the said act of the 4th day of March, A.D. 1909, as amended by the act of the 15th day of June, A.D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board such ship of war, if the United States shall then be at peace with such belligerent.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one vessel) which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation, or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen.
thereof, within the jurisdiction of the United States, or, having left that
jurisdiction, upon the high seas.

And I do hereby further declare and proclaim that any frequenting and
use of the waters within the territorial jurisdiction of the United States
by the vessels of a belligerent, whether public ships or privateers for the
purpose of preparing for hostile operations, or as posts of observation upon
the ships of war or privateers or merchant vessels of an opposing belligerent
must be regarded as unfriendly and offensive, and in violation of that
neutrality which it is the determination of this government to observe; and
to the end that the hazard and inconvenience of such apprehended practices
may be avoided, I further proclaim and declare that from and after the
fifth day of September instant, and so long as this proclamation shall be in
effect, no ship of war or privateer of any belligerent shall be permitted to
make use of any port, harbor, roadstead, or waters subject to the jurisdiction
of the United States as a station or place of resort for any warlike purpose or
for the purpose of obtaining warlike equipment; no privateer of a belligerent
shall be permitted to depart from any port, harbor, roadstead, or waters
subject to the jurisdiction of the United States; and no ship of war of a
belligerent shall be permitted to sail out of or leave any port, harbor, road-
stead, or waters subject to the jurisdiction of the United States from which
a vessel of an opposing belligerent (whether the same shall be a ship of war
or a merchant ship) shall have previously departed, until after the expiration
of at least twenty-four hours from the departure of such last mentioned vessel
beyond the jurisdiction of the United States.

If any ship of war of a belligerent shall, after the time this notification
takes effect, be found in, or shall enter any port, harbor, roadstead, or waters
subject to the jurisdiction of the United States, such vessel shall not be
permitted to remain in such port, harbor, roadstead, or waters more than
twenty-four hours, except in case of stress of weather, or for delay in receiv-
ing supplies or repairs, or when detained by the United States; in any of
which cases the authorities of the port, or of the nearest port (as the case may
be), shall require her to put to sea as soon as the cause of the delay is at an
end, unless within the preceding twenty-four hours a vessel, whether ship
of war or merchant ship of an opposing belligerent, shall have departed
therefrom, in which case the time limited for the departure of such ship of
war shall be extended so far as may be necessary to secure an interval of not
less than twenty-four hours between such departure and that of any ship
of war or merchant ship of an opposing belligerent which may have previ-
ously quit the same port, harbor, roadstead, or waters.

Vessels used exclusively for scientific, religious, or philanthropic purposes
are exempted from the foregoing provisions as to the length of time ships
of war may remain in the ports, harbors, roadsteads, or waters subject to the
jurisdiction of the United States.

The maximum number of ships of war belonging to a belligerent and its
allies which may be in one of the ports, harbors, or roadsteads subject to
the jurisdiction of the United States simultaneously shall be three.

When ships of war of opposing belligerents are present simultaneously
in the same port, harbor, roadstead, or waters, subject to the jurisdiction
of the United States, the one entering first shall depart first, unless she is
in such condition as to warrant extending her stay. In any case the ship
which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead, or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential to render the vessel seafaring
and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States...

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court can not be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

And I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations issued for the Canal Zone.

(c) Neutrality Act of 1939

Section 450. Restrictions on use of American ports

(a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 31 of Title 18, and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or

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from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, he may prohibit the departure of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 441(a) of this title he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient securities, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 168 of Title 8.

Notwithstanding the provisions of said section 168 of Title 8, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

Section 451. Submarines and armed merchant vessels

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offences committed prior to such revocation.

(d) Proclamation No. 2351 prescribing regulations concerning neutrality in the Canal Zone

Whereas a proclamation having been issued by me on the fifth day of September instant declaring the neutrality of the United States of America

1 54 Stat. 2638 (1939).
in the war now existing between Germany and France; Poland; the United Kingdom, India, Australia and New Zealand.

And whereas the provisions of the said proclamation apply to the Canal Zone except in so far as such provisions may be modified by a proclamation issued for the Canal Zone;

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, do declare and proclaim that, from and after the fifth day of September instant, the said proclamation issued by me on the fifth day of September instant, in its application to the Canal Zone, is hereby modified as follows:

1. The limit of twenty-four hours prescribed by the above proclamation, with certain exceptions, as the maximum time a belligerent ship of war may remain within the jurisdiction of the United States shall apply to the total time such ship of war may remain in all the waters of the Canal Zone, except that the time required to transit the Canal shall be in addition to the prescribed twenty-four hours. Such transit shall be effected with the least possible delay in accordance with the Canal regulations in force, and only with such intermission as may result from the necessities of the service.

2. The maximum number of ships of war belonging to a belligerent and its allies which may be simultaneously in either terminal port and the terminal waters adjacent to such port shall be three. The maximum number of such vessels in all the waters of the Canal Zone simultaneously, including those in transit through the Canal, shall be six.

3. Belligerent ships of war, not carrying aircraft, departing from the jurisdiction of the Canal Zone from one of the terminal ports shall not be required to observe the prescribed interval of time between such departure and the departure from such jurisdiction of a vessel of an opposing belligerent from the other terminal port.

4. The time of original arrival of vessels within the jurisdiction of the Canal Zone, whether or not they transit the Canal, shall be used as the time of arrival in deciding the right of priority, between vessels of opposing belligerents, in departing from the jurisdiction of the Canal Zone.

5. If a belligerent ship of war which has left the waters of the Canal Zone, whether she has transitted the Canal or not, returns within a period of one week after her departure, she shall lose all right of priority in departure from the Canal Zone, or in passage through the Canal, over vessels of an opposing belligerent which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case, the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander or master of a vessel or vessels of an opposing belligerent then present within the waters of the Canal Zone.

6. If it is wholly impossible, as determined by the Governor of the Panama Canal, for a belligerent ship of war to effect repairs through, or to obtain fuel, lubricants, feed water, and provisions from, a private contractor within the Canal Zone or the Republic of Panama, the agencies of the United States administered by the Canal authorities may, in order to facilitate the operation of the Canal or its appurtenances, effect such repairs and furnish
such supplies in accordance with the Canal regulations in force, but when repairs and supplies are so obtained they shall be limited to such repairs and such amounts of fuel, lubricants, feed waters, and provisions, with that already on board, as may be necessary to enable the vessel to proceed to the nearest accessible port, not an enemy port in the general direction of her voyage, at which she can obtain further repairs or supplies necessary for the continuation of the voyage. The amounts of fuel, lubricants, feed water, and provisions so received shall be deducted from the amounts otherwise allowed in ports, harbors, roadsteads, and waters subject to the jurisdiction of the United States, including the Canal Zone, during any time within a period of three months thereafter. No public vessel of a belligerent shall receive fuel or lubricants while within the territorial waters of the Canal Zone except under written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received. Moreover, the repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a public vessel of a belligerent, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

7. In the Canal Zone, prizes shall be in all respects subject to the same rules as ships of war of the belligerents.

And I do further declare and proclaim that, from and after the fifth day of September instant, the following additional provisions shall be effective in the Canal Zone:

1. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal Zone, except when required by the Canal authorities, or in case of accidental hindrance of the transit. In such cases the Canal authorities shall be the judges of the necessity, and the transit shall be resumed with all dispatch.

2. No belligerent aircraft shall be navigated into, within, or through the air spaces above the territory or waters of the Canal Zone.

3. The enforcement of neutrality of the United States within the Canal Zone and administrative action in connection therewith shall be the responsibility of the Governor of the Panama Canal; and the military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request; provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such responsibility.

And I do further declare and proclaim that the provisions of this proclamation and the provisions of the proclamation of the fifth day of September instant are in addition to the “Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction” prescribed by Executive Order No. 4314, of September 25, 1925, as amended.
(e) Offences against Neutrality, Criminal Code of 1909

Subchapter III. Prevention of Offences against Neutrality

Section 461. Enforcement by courts; employment of land or naval forces

The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of sections 461—464 of this title and sections 21—25, and 30 of Title 18; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of sections 461—464 of this title and sections 21—25, and 30 of Title 18, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

Second Part

TREATIES AND INTERNATIONAL AGREEMENTS
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The following two Conventions should also be cited: Convention on Commercial Aviation, adopted at Havana, 20 February 1928 (ibid., Vol. IV, p. 2354);
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and the Convention on the Regulation of Aerial Navigation of 13 October 1919 (ibid., Vol. I, p. 359), with Additional Protocol and Amendments thereto (ibid., pp. 376, 378, 384, 390; and ibid., Vol. VII, pp. 74, 82). These two Conventions are to be superseded by the Convention on International Civil Aviation of 7 December 1944 (United Nations, Treaty Series, Vol. 15, p. 296) in accordance with Article 80 which provides:

"Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Havana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to."
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Chapter I

MULTILATERAL TREATIES

1) Convention 1 pour régler la police de la pêche dans la mer du Nord en dehors des eaux territoriales, signée à La Haye, le 6 mai 1882.

   Article 2. Les pêcheurs nationaux jouiront du droit exclusif de pêche dans le rayon de trois milles, à partir de la laisse de basse mer, le long de toute l'étendue des côtes de leurs pays respectifs, ainsi que des îles et des bancs qui en dépendent.
   Pour les baies, le rayon de trois milles sera mesuré à partir d'une ligne droite, tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excèdera pas dix milles.
   Le présent article ne porte aucune atteinte à la libre circulation reconnue aux bateaux de pêche, naviguant ou mouillant dans les eaux territoriales, à la charge par eux de se conformer aux règles spéciales de police édictées par les Puissances riveraines.

   Article 3. Les milles mentionnés dans l'article précédent sont des milles géographiques de soixante au degré de latitude.

2) Convention destinée à garantir en tous temps et à toutes les Puissances le libre usage du canal maritime de Suez, signée à Constantinople le 29 octobre 1888.

   Article 1er. Le Canal Maritime de Suez sera toujours libre et ouvert, en temps de guerre comme en temps de paix, à tout navire de commerce ou de guerre, sans distinction de pavillon.
   En conséquence, les Hautes Parties contractantes conviennent de ne porter aucune atteinte au libre usage du Canal en temps de guerre comme en temps de paix.
   Le Canal ne sera jamais assujetti à l'exercice du droit de blocus.

---

2 Signée et ratifiée par l'Allemagne, la Belgique, le Danemark, la France, la Grande-Bretagne et les Pays-Bas.
4 Signée et ratifiée par l'Allemagne, l'Autriche-Hongrie, l'Espagne, la France, la Grande-Bretagne, l'Italie, les Pays-Bas, la Russie et la Turquie.
Article IV. Le Canal Maritime restant ouvert, en temps de guerre, comme passage libre, même aux navires de guerre des belligérants, aux termes de l'article 1er du présent Traité, les Hautes Parties contractantes conviennent qu'aucun droit de guerre, aucun acte d'hostilité ou aucun acte ayant pour but d'entraver la libre navigation du Canal ne pourra être exercé dans le Canal et ses ports d'accès, ainsi que dans un rayon de trois milles marins de ces ports, alors même que l'Empire Ottoman serait l'une des Puissances belligérantes.

Les bâtiments de guerre des belligérants ne pourront, dans le Canal et ses ports d'accès, se ravitailler ou s'approvisionner que dans la limite strictement nécessaire. Le transit des dits bâtiments par le Canal s'effectuera dans le plus bref délai d'après les Règlements en vigueur, et sans autre arrêt que celui qui résulterait des nécessités du service.

Leur séjour à Port-Said et dans la rade de Suez ne pourra dépasser vingt-quatre heures sauf le cas de relâche forcée. En pareil cas, ils seront tenus de partir le plus tôt possible. Un intervalle de vingt-quatre heures devra toujours s'écouler entre la sortie d'un port d'accès d'un navire belligérant et le départ d'un navire appartenant à la Puissance ennemie.

Article V. En temps de guerre, les Puissances belligérantes ne débarqueront et ne prendront dans le Canal et ses ports d'accès, ni troupes, ni munitions, ni matériel de guerre. Mais, dans le cas d'un empêchement accidentel dans le Canal, on pourra embarquer ou débarquer, dans les ports d'accès des troupes fractionnées par groupes, n'excédant pas 1.000 hommes avec le matériel de guerre correspondant.

Article VI. Les prises seront soumises sous tous les rapports au même régime que les navires de guerre des belligérants.

Article VII. Les Puissances ne maintiendront dans les eaux du Canal (y compris le lac Timsah et les Lacs Amers) aucun bâtiment de guerre. Toutefois, dans les ports d'accès de Port-Said et de Suez, elles pourront faire stationner des bâtiments de guerre dont le nombre ne devra pas excéder deux pour chaque Puissance.

Ce droit ne pourra être exercé par les belligérants.

3) Convention 1 relative à la pose de mines sous-marines automatiques de contact, signée à La Haye, le 18 octobre 1907 2

Article 2. Il est interdit de placer des mines automatiques de contact devant les côtes et les ports de l'adversaire, dans le seul but d'intercepter la navigation de commerce.

2 Ont ratifié: l'Allemagne, l'Australie, l'Autriche, la Belgique, le Brésil, le Canada, le Danemark, les États-Unis d'Amérique, la France, le Guatemala, Haïti, la Hongrie, l'Inde, l'Irlande, le Japon, le Luxembourg, le Mexique, la Nouvelle-Zélande, la Norvège, le Panama, les Pays-Bas, la Roumanie, le Royaume-Uni, le Salvador, la Suisse, la Thaïlande, l'Union Sud-Africaine.
Ont adhéré: la Chine, l'Éthiopie, la Finlande, le Libéria, le Nicaragua.
Article 4. Toute Puissance neutre qui place des mines automatiques de contact devant ses côtes doit observer les mêmes règles et prendre les mêmes précautions que celles qui sont imposées aux belligérants.

La Puissance neutre doit faire connaître à la navigation, par un avis préalable, les régions où seront mouillées des mines automatiques de contact. Cet avis devra être communiqué d’urgence aux Gouvernements par voie diplomatique.

Article 5. À la fin de la guerre, les Puissances contractantes s’engagent à faire tout ce qui dépend d’elles pour enlever, chacune de son côté, les mines qu’elles ont placées.

Quant aux mines automatiques de contact amarrées que l’un des belligérants aurait posées le long des côtes de l’autre, l’emplacement en sera notifié à l’autre Partie par la Puissance qui les a posées et chaque Puissance devra procéder dans le plus bref délai à l’enlèvement des mines qui se trouvent dans ses eaux.

4) Convention concernant les droits et les devoirs des Puissances neutres en cas de guerre maritime, signée à La Haye, le 18 octobre 1907

Article 1er. Les belligérants sont tenus de respecter les droits souverains des Puissances neutres et de s’abstenir, dans le territoire où les eaux sont neutres, de tous actes qui constitueraient de la part des Puissances qui les toléraient un manquement à leur neutralité.

Article 2. Tous actes d’hostilité, y compris la capture et l’exercice du droit de visite, commis par des vaisseaux de guerre belligérants dans les eaux territoriales d’une Puissance neutre, constituent une violation de la neutralité et sont strictement interdits.

Article 3. Quand un navire a été capturé dans les eaux territoriales d’une Puissance neutre, cette Puissance doit, si la prise est encore dans sa juridiction, user des moyens dont elle dispose pour que la prise soit relâchée avec ses officiers et son équipage, et pour que l’équipage mis à bord par le capturant soit interné.

Si la prise est hors de la juridiction de la Puissance neutre, le Gouvernement capturant, sur la demande de celle-ci, doit relâcher la prise avec ses officiers et son équipage.

Article 4. Aucun Tribunal des prises ne peut être constitué par un belligérant sur un territoire neutre ou sur un navire dans les eaux neutres.

Article 5. Il est interdit aux belligérants de faire des ports et des eaux neutres la base d’opérations navales contre leurs adversaires, notamment d’y installer des stations radio-télégraphiques ou tout appareil destiné à servir comme moyen de communication avec des forces belligérantes sur terre ou sur mer.

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1 Ibid., p. 713 et suiv.; traduction anglaise: British and Foreign State Papers, vol. 100, pp. 448 et seq.
2 Ont ratifié: l’Allemagne, l’Autriche, la Belgique, le Brésil, le Danemark, la France, le Guatemala, Haïti, la Hongrie, le Japon, le Luxembourg, le Mexique, la Norvège, le Panama, les Pays-Bas, le Portugal, la Roumanie, le Salvador, la Suisse, la Thaïlande. Ont adhéré: la Chine, l’Éthiopie, la Finlande, le Libéria, le Nicaragua, les États-Unis d’Amérique.
Article 8. Un Gouvernement neutre est tenu d'user des moyens dont il dispose pour empêcher dans sa juridiction l'équipement ou l'armement de tout navire, qu'il a des motifs raisonnables de croire destiné à croiser ou à concourir à des opérations hostiles contre une Puissance avec laquelle il est en paix. Il est aussi tenu d'user de la même surveillance pour empêcher le départ hors de sa juridiction de tout navire destiné à croiser ou à concourir à des opérations hostiles, et qui aurait été, dans ladite juridiction, adapté en tout ou en partie à des usages de guerre.

Article 9. Une Puissance neutre doit appliquer également aux deux belligerants les conditions, restrictions ou interdictions édictées par elle pour ce qui concerne l'admission dans ses ports, rades ou eaux territoriales, des navires de guerre belligérants ou de leurs prises.

Toutefois, une Puissance neutre peut interdire l'accès de ses ports et ses rades au navire belligérant qui aurait négligé de se conformer aux ordres et prescriptions édictés par elle ou qui aurait violé la neutralité.

Article 10. La neutralité d'une Puissance n'est pas compromise par le simple passage dans ses eaux territoriales des navires de guerre et des prises des belligerants.

Article 12. A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, il est interdit aux navires de guerre des belligerants de demeurer dans les ports et rades ou dans les eaux territoriales de ladite Puissance, pendant plus de vingt-quatre heures, sauf dans les cas prévus par la présente Convention.

Article 13. Si une Puissance avisée de l'ouverture des hostilités apprend qu'un navire de guerre d'un belligérant se trouve dans un de ses ports et rades ou dans ses eaux territoriales, elle doit notifier audit navire qu'il devra partir dans les vingt-quatre heures ou dans le délai prescrit par la loi locale.

Article 14. Un navire de guerre belligérant ne peut prolonger son séjour dans un port neutre au-delà de la durée légale que pour cause d'avaries ou à raison de l'état de la mer. Il devra partir dès que la cause du retard aura cessé.

Les règles sur la limitation du séjour dans les ports, rades et eaux neutres, ne s'appliquent pas aux navires de guerre exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

Article 15. A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, le nombre maximum des navires de guerre d'un belligérant qui pourront se trouver en même temps dans un de ses ports ou rades sera de trois.

Article 16. Lorsque les navires de guerre des deux Parties belligerantes se trouvent simultanément dans un port ou une rade neutres, il doit s'écouler au moins vingt-quatre heures entre le départ du navire d'un belligérant et le départ du navire de l'autre.

L'ordre des départs est déterminé par l'ordre des arrivées, à moins que le navire arrivé le premier ne soit dans le cas où la prolongation de la durée légale du séjour est admise.
Un navire de guerre belligérant ne peut quitter un port ou une rade neutres moins de vingt-quatre heures après le départ d'un navire de commerce portant le pavillon de son adversaire.

**Article 17.** Dans les ports et rades neutres, les navires de guerre belligérants ne peuvent réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation et non pas accroître d'une manière quelconque leur force militaire. L'autorité neutre constatera la nature des réparations à effectuer, qui devront être exécutées le plus rapidement possible.

**Article 18.** Les navires de guerre belligérants ne peuvent pas se servir des ports, rades et eaux territoriales neutres, pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement ainsi que pour compléter leurs équipages.

**Article 19.** Les navires de guerre belligérants ne peuvent se ravitailler dans les ports et rades neutres que pour compléter leur approvisionnement normal du temps de paix.

Ces navires ne peuvent, de même, prendre du combustible que pour gagner le port le plus proche de leur propre pays. Ils peuvent, d'ailleurs, prendre le combustible nécessaire pour compléter le plein de leurs soutes propres dites, quand ils se trouvent dans les pays neutres qui ont adopté ce mode de détermination du combustible à fournir.

Si, d'après la loi de la Puissance neutre, les navires ne reçoivent du charbon que vingt-quatre heures après leur arrivée, la durée légale de leur séjour est prolongée de vingt-quatre heures.

**Article 20.** Les navires de guerre belligérants, qui ont pris du combustible dans le port d'une Puissance neutre, ne peuvent renouveler leur approvisionnement qu'après trois mois dans un port de la même Puissance.

**Article 21.** Une prise ne peut être amène dans un port neutre que pour cause d'innavigabilité, de mauvais état de la mer, de manque de combustible ou de provisions.

Elle doit repartir aussitôt que la cause qui en a justifié l'entrée a cessé. Si elle ne le fait pas, la Puissance neutre doit lui notifier l'ordre de partir immédiatement ; au cas où elle ne s'y conformerait pas, la Puissance neutre doit user des moyens dont elle dispose pour la relâcher avec ses officiers et son équipage et interner l'équipage mis à bord par le capteur.

**Article 22.** Une Puissance neutre peut permettre l'accès de ses ports et rades aux prises escortées ou non, lorsqu'elles y sont amenées pour être laissées sous séquestre en attendant la décision du tribunal des prises. Elle peut faire conduire la prise dans un autre de ses ports.

Si la prise est escortée par un navire de guerre, les officiers et les hommes mis à bord par le capteur sont autorisés à passer sur le navire d'escorte.

Si la prise voyage seule, le personnel placé à son bord par le capteur est laissé en liberté.

**Article 23.** Si, malgré la notification de l'Autorité neutre, un navire de guerre belligérant ne quitte pas un port dans lequel il n'a pas le droit de rester, la Puissance neutre a le droit de prendre les mesures qu'elle pourra juger nécessaires pour rendre le navire incapable de prendre la mer pendant la durée de la guerre, et le commandant du navire doit faciliter l'exécution de ces mesures.
Lorsqu'un navire belligérant est retenu par une Puissance neutre, les officiers et l'équipage sont également retenus.

Les officiers et l'équipage ainsi retenus peuvent être laissés dans le navire ou logés, soit sur un autre navire, soit à terre, et ils peuvent être assujettis aux mesures restrictives qu'il paraitrait nécessaire de leur imposer. Toutefois, on devra toujours laisser sur le navire les hommes nécessaires à son entretien.

Les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

Article 26. Les puissances contractantes se communiqueront réciproquement, en temps utile, toutes les lois, ordonnances et autres dispositions réglant chez elles le régime des navires de guerre belligérants dans leurs ports en leurs eaux, au moyen d'une notification adressée au Gouvernement des Pays-Bas et transmise immédiatement par celui-ci aux autres Puissances contractantes.

5) TRAITÉ DE PAIX ENTRE LES PUISSANCES ALLIÉES ET ASSOCIÉES ET L'ALLEMAGNE, SIGNE À VERSAILLES, LE 28 JUIN 1919

PARTIE XII. PORTS, VOIES D'EAU ET VOIES FERRÉES

Section I. Dispositions générales

Article 321. L'Allemagne s'engage à accorder la liberté du transit à travers son territoire sur les voies les plus appropriées au transit international, par chemin de fer, par cours d'eau navigable ou par canal, aux personnes, marchandises, navires, bateaux, wagons et services postaux en provenance ou à destination des territoires de l'une quelconque des Puissances alliées et associées, limitrophes ou non ; à cet effet, la traversée des eaux territoriales sera permise. Les personnes, marchandises, navires, bateaux, voitures, wagons et services postaux ne seront soumis à aucun droit de transit, ni à aucun délai ou restriction inutiles, et ils auront droit, en Allemagne, au traitement national, en tout ce qui concerne les taxes et les facilités, ainsi qu'à tous autres égards.

Section II. Navigation

Chapitre Ier. Liberté de navigation

Article 327. Les ressortissants des Puissances alliées et associées, ainsi que leurs biens, navires et bateaux, jouiront, dans tous les ports et sur les voies de navigation intérieure de l'Allemagne, d'un traitement égal, à tous égards, à celui des ressortissants, des biens et des navires et bateaux allemands.

En particulier, les navires et bateaux de l'une quelconque des Puissances alliées et associées seront autorisés à transporter des marchandises de toute

1 Ibid., t. XI, p. 323 et suiv.
nature et des passagers à destination ou en provenance de tous ports ou localités situés sur le territoire de l'Allemagne auxquels les navires et bateaux allemands peuvent avoir accès, à des conditions qui ne seront pas plus onéreuses que celles appliquées dans le cas de navires et bateaux nationaux; ils seront traités sur le pied d'égalité avec des navires et bateaux nationaux, en ce qui concerne les facilités et charges de ports et de quai de toute sorte, y compris les facilités de stationnement, de chargement et de déchargement, les droits et charges de tonnage, de quai, de pilotage, de phare, de quarantaine et tous droits et charges analogues, de quelque nature qu'ils soient, perçus au nom et au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements de quelque espèce que ce soit.

Au cas où l'Allemagne accorderait à l'une quelconque des Puissances alliées et associées ou à toute autre Puissance étrangère, un traitement préférentiel, ce régime sera étendu sans délai et sans conditions à toutes les Puissances alliées et associées.

Il ne sera apporté à la circulation des personnes et des navires et bateaux d'autres entraves que celles résultant des dispositions relatives aux douanes, à la police, aux prescriptions sanitaires, à l'émigration ou à l'immigration, ainsi qu'à l'importation ou à l'exportation des marchandises prohibées. Ces dispositions, raisonnables et uniformes, ne devront pas entraîner inutilement le trafic.

... 

6) Tracté de paix entre les Puissances alliées et associées et la Bulgarie, signé à Neuilly-sur-Seine, le 27 novembre 1919

Note. Les dispositions des articles 212 et 218 de ce traité sont identiques à celles des articles 321 et 327 du traité n° 5 mentionné plus haut.

7) Treaty concerning the Archipelago of Spitsbergen, signed at Paris, 9 February 1920

Article 1. The High Contracting Parties undertake to recognise, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island or Beeren-Eiland, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland, together with all islands great or small and rocks appertaining thereto.

Article 2. Ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in article 1 and in their territorial waters.

Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the re-constitution of the fauna...
and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

Article 3. The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

8) CONVENTION ¹ AND STATUTE ON FREEDOM OF TRANSIT, BARCELONA, 20 APRIL 1921²

Article 1. The High Contracting Parties declare that they accept the Statute on Freedom of Transit annexed hereto, adopted by the Barcelona Conference on April 14th, 1921.

This Statute will be deemed to constitute an integral part of the present Convention. Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

¹ Ibid., vol. 7, pp. 13 et seq.; French text: ibid., pp. 12 et seq.
² Ratifications or accessions: Albania, Austria, Belgium, British Empire, Bulgaria, Chile, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, India, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Peru, Persia, Poland, Romania, Serb-Croat-Slovene State, Siam, Sweden, Switzerland.
Statute on Freedom of Transit

Article 1. Persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory under the sovereignty or authority of one of the Contracting States, when the passage across such territory, with or without transhipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

Traffic of this nature is termed in this Statute "traffic in transit".

Article 2. Subject to the other provisions of this Statute, the measures taken by Contracting States for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or of vessels coaching or goods stock or other means of transport.

In order to ensure the application of the provisions of this Article, Contracting States will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Article 3. Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to cover, and the dues must be imposed under the conditions of equality laid down in the preceding Article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

Article 4. The Contracting States undertake to apply to traffic in transit on routes operated or administered by the State or under concession, whatever may be the place of departure or destination of the traffic, tariffs which, having regard to the conditions of the traffic and to considerations of commercial competition between routes, are reasonable as regards both their rates and the method of their application. These tariffs shall be so fixed as to facilitate international traffic as much as possible. No charges, facilities or restrictions shall depend, directly or indirectly, on the nationality or ownership of the vessel or other means of transport on which any part of the complete journey has been or is to be accomplished.

Article 5. No Contracting State shall be bound by this Statute to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

Each Contracting State shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are the subject of a monopoly, and also vessels, coaching and goods stock and other means of transport, are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered.
Nothing in this Statute shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of general international Conventions to which it is a party, or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations, relating to the transit, export or import of particular kinds of articles, such as opium or other dangerous drugs, arms or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Any haulage service established as a monopoly on waterways used for transit must be so organised as not to hinder the transit of vessels.

**Article 6.** This Statute does not of itself impose on any of the Contracting States a fresh obligation to grant freedom of transit to the nationals and their baggage, or to the flag of a non-Contracting State, nor to the goods, nor to coaching and goods stock or other means of transport coming or entering from, or leaving by, or destined for a non-Contracting State, except when a valid reason is shown for such transit by one of the other Contracting States concerned. It is understood that for the purposes of this Article, goods in transit under the flag of a Contracting State shall, if no transhipment takes place, benefit by the advantages granted to that flag.

**Article 7.** The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above Articles; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

**Article 8.** This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit.

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9) **Convention** relative à la non-fortification et à la neutralisation des îles d’Aland, signée à Genève, le 20 octobre 1921

**Article 1er.** La Finlande, confirmant en tant que de besoin, en ce qui la concerne, la déclaration faite par la Russie dans la Convention du 30 mars 1856, relative aux îles d’Aland, annexée au Traité de Paris du même jour, s’engage à ne pas fortifier la partie de l’archipel finlandais, dite «les îles d’Aland».

**Article 2.** Par la dénomination «les îles d’Aland» la présente Convention entend l’ensemble des îles, îlots et récifs, situés dans l’étendue de mer délimitée par les lignes suivantes:

- **a)** Au Nord, par le parallèle de latitude 60°41’ N.
- **b)** A l’Est, par les lignes droites reliant successivement les points géographiques suivants:

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2 Signée et ratifiée par l’Allemagne, le Danemark, l’Empire britannique, la France, l’Italie, la Lettonie, la Pologne et la Suède.
1. lat. 60°41'.0 N et long. 21°00'.0 E de Greenwich
2. , 60°35'.9 N , 21°06'.9 E ,
3. , 60°33'.3 N , 21°08'.6 E ,
4. , 60°15'.8 N , 21°05'.5 E ,
5. , 60°11'.4 N , 21°00'.4 E ,
6. , 60°09'.4 N , 21°01'.2 E ,
7. , 60°05'.5 N , 21°04'.3 E ,
8. , 60°01'.1 N , 21°11'.3 E ,
9. , 59°59'.0 N , 21°08'.3 E ,
10. , 59°53'.0 N , 21°20'.0 E ,
11. , 59°48'.5 N , 21°20'.0 E ,
12. , 59°27'.0 N , 20°46'.3 E ,

c) Au Sud par le parallèle de latitude 59°27'N.
d) A l'Ouest par les lignes droites reliant successivement les points géographiques suivants:

13. lat. 59°27'.0 N et long. 20°09'.7 E de Greenwich
14. , 59°47'.8 N , 19°40'.0 E ,
15. , 60°11'.8 N , 19°05'.5 E ,
Milieu du rocher Markt
16. , 60°18'.4 N et long. 19°08'.5 E ,
17. , 60°41'.0 N , 19°14'.4 E ,

Les lignes reliant les points 14, 15 et 16 sont celles qui ont été fixées par la « Description topographique de la frontière entre le Royaume de Suède et l'Empire de Russie d'après la démarcation de l'année 1810 corrigée d'après la revision de 1888 ».

La position de tous les points indiqués dans le présent article se réfère généralement à la carte de l'Amirauté britannique n° 2297 de 1872 (avec les corrections apportées jusqu'au mois d'août 1921); toutefois, pour plus de précision, la position des points 1 à 2 se réfère aux cartes suivantes: cartes finlandaises n° 32 de 1921, n° 29 de 1920, et carte russe n° 742 de 1916 (corrigée en mars 1916).

Un exemplaire de chacune de ces différentes cartes est déposé aux archives du Secrétariat permanent de la Société des Nations.

II. Les eaux territoriales des îles d'Aland sont considérées comme s'étendant à une distance de trois milles marins de la laisse de basse mer des îles, îlots et récifs non constamment submergés, délimités ci-dessus; toutefois, sur aucun point ces eaux ne s'étendent au-delà des lignes fixées dans le paragraphe 1 du présent article.

III. L'ensemble des îles, îlots et récifs délimités par le paragraphe I, et des eaux territoriales définies par le paragraphe II, constituent la « zone » à laquelle s'appliquent les articles suivants.

**Article 3.** Aucun établissement ou base d'opérations militaires ou navales, aucun établissement ou base d'opérations d'aéronautique militaire, ni aucune autre installation utilisée à des fins de guerre ne pourra être maintenue ou créée dans la zone décrite à l'article 2.

**Article 4.** Sous réserve des dispositions de l'article 7, aucune force militaire, navale ou aérienne d'aucune Puissance, ne pourra pénétrer ni séjourner dans la zone décrite à l'article 2; la fabrication, l'importation, le transit et la réexportation des armes et du matériel de guerre y sont formellement interdits.
Les dispositions suivantes seront toutefois appliquées en temps de paix.

a) En dehors du personnel de police régulièrement nécessaire pour le maintien de l'ordre et de la sécurité publique dans la zone, conformément aux dispositions générales en vigueur dans la République finlandaise, la Finlande pourra, si des circonstances exceptionnelles l'exigent, y introduire et y entretenir temporairement telles autres forces armées qui seront strictement nécessaires au maintien de l'ordre.

b) La Finlande se réserve également le droit de faire visiter les îles, de temps à autre, par un ou deux de ses navires de guerre légers de surface, qui pourront, dans ce cas, mouiller temporairement dans leurs eaux. En dehors de ces navires, la Finlande pourra, si des circonstances particulières importantes l'exigent, introduire dans les eaux de la zone et y entretenir temporairement d'autres navires de surface ne devant en aucun cas dépasser le déplacement total de 6.000 tonnes.

La faculté d'entrer dans l'archipel et d'y mouiller temporairement ne pourra être accordée par le Gouvernement finlandais qu'à un seul navire de guerre de toute autre Puissance.

c) La Finlande pourra faire survoler la zone par ses aéronefs militaires ou navals, mais leur atterrissage y est interdit hors le cas de force majeure.

Article 5. L'interdiction de faire entrer et stationner des navires de guerre dans la zone décrite à l'article 2 ne porte pas atteinte à la liberté du passage inoffensif à travers les eaux territoriales, passage qui reste soumis aux règles et usages internationaux en vigueur.

Article 6. En temps de guerre, la zone décrite à l'article 2 sera considérée comme zone neutre et ne sera, directement ni indirectement, l'objet d'une utilisation quelconque ayant trait à des opérations militaires.

Néanmoins, au cas où une guerre intéresserait la mer Baltique, il sera loisible à la Finlande, en vue d'assurer le respect de la neutralité de la zone, de poser des mines à titre temporaire dans ses eaux et de prendre à cet effet les dispositions d'ordre maritime strictement nécessaires.

La Finlande en référera immédiatement au Conseil de la Société des Nations.

10) Traité de paix, signé à Lausanne, le 24 juillet 1923

A moins de stipulations contraires du présent Traité, les frontières maritimes comprennent les îles et les îlot situés à moins de trois milles de la côte.

11) Convention sur le Régime International des Ports Maritimes, signée à Genève, 9 décembre 1923

Article 1. The Contracting States declare that they accept the Statute on the International Régime of Maritime Ports, annexed hereto, adopted
by the Second General Conference on Communications and Transit which met at Geneva on November 15, 1923.

This Statute shall be deemed to constitute an integral part of the present Convention.

Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

STATUTE

Article 1. All ports which are normally frequented by sea-going vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present Statute.

Article 2. Subject to the principle of reciprocity and to the reservation set out in the first paragraph of Article 8, every Contracting State undertakes to grant the vessels of every other Contracting State equality of treatment with its own vessels, or those of any other State whatsoever, in the maritime ports situated under its sovereignty or authority, as regards freedom of access to the port, the use of the port, and the full enjoyment of the benefits as regards navigation and commercial operations which it affords to vessels, their cargoes and passengers.

The equality of treatment thus established shall cover facilities of all kinds, such as allocation of berths, loading and unloading facilities, as well as dues and charges of all kinds levied in the name or for the account of the Government, public authorities, concessionaries or undertakings of any kind.

Article 3. The provisions of the preceding article in no way restrict the liberty of the competent Port Authorities to take such measures as they may deem expedient for the proper conduct of the business of the port provided that these measures comply with the principle of equality of treatment as defined in the said article.

Article 4. All dues and charges levied for the use of maritime ports shall be duly published before coming into force.

The same shall apply to the by-laws and regulations of the port.

In each maritime port, the Port Authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

Article 10. Each Contracting State reserves the right to make such arrangements for towage in its maritime ports as it thinks fit, provided that the provisions of Articles 2 and 4 are not thereby infringed.

Article 11. Each Contracting State reserves the right to organise and administer pilotage services as it thinks fit. Where pilotage is compulsory, the dues and facilities offered shall be subject to the provisions of articles 2 and 4, but each Contracting State may exempt from the obligation of compulsory pilotage such of its nationals as possess the necessary technical qualifications.
Article 13. This Statute applies to all vessels, whether publicly or privately owned or controlled.

It does not, however, apply in any way to warships or vessels performing police or administrative functions, or, in general, exercising any kind of public authority, or any other vessels which for the time being are exclusively employed for the purposes of the Naval, Military or Air Forces of a State.

Article 14. This Statute does not in any way apply to fishing vessels or to their catches.

Article 15. Where in virtue of a treaty, convention or agreement, a Contracting State has granted special rights to another State within a defined area in any of its maritime ports for the purpose of facilitating the transit of goods or passengers to or from the territory of the said State, no other Contracting State can invoke the stipulations of this Statute in support of any claim for similar special rights.

Every Contracting State which enjoys the aforesaid special rights in a maritime port of another State, whether Contracting or not, shall conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Every Contracting State which grants the aforesaid special rights to a non-Contracting State is bound to impose, as one of the conditions of the grant, an obligation on the State which is to enjoy the aforesaid rights to conform to the provisions of this Statute in its treatment of the vessels trading with it, and their cargoes and passengers.

Article 16. Measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of Articles 2 to 7 inclusive; it being understood that the principles of the present Statute must be observed to the utmost possible extent.

Protocol of Signature of the Convention on the International Regime of Maritime Ports

At the moment of signing the Convention of to-day's date relating to the International Regime of Maritime Ports, the undersigned, duly authorised, have agreed as follows:

(1) It is understood that the provisions of the present Statute shall apply to ports of refuge specially constructed for that purpose.

(4) It is understood that the condition of reciprocity laid down in article 2 of the Statute on the International Régime of Maritime Ports shall not exclude from the benefit of the said Statute Contracting States which have no maritime ports and do not enjoy in any zone of a maritime port of another State the rights mentioned in article 15 of the said Statute.

The present Protocol will have the same force, effect and duration as the Statute of to-day's date, of which it is to be considered as an integral part.
12) Convention pour la répression de la contrebande des marchandises alcooliques, signée à Helsingfors, le 19 août 1925

Article 9. Les Parties contractantes s'engagent à ne faire aucune objection à ce que chacune d'entre elles applique, dans une zone s'étendant jusqu'à douze milles marins de la côte ou de la limite extérieure des archipels, ses lois aux navires qui se livrent manifestement à la contrebande.

Si un navire soupçonné de se livrer à la contrebande est rencontré dans la zone élargie nommée ci-dessus et qu'il s'échappe hors de cette zone, les autorités du pays dont relève cette zone pourront le poursuivre aussi au-delà de cette zone dans la mer ouverte et user envers lui des mêmes droits que s'il avait été saisi à l'intérieur de la zone.

Ces dispositions sont adoptées sans préjudice de la position prise par chacune des Parties contractantes vis-à-vis des principes juridiques régissant les zones territoriales et douanières.

Protocole de clôture

Ad Article 9. Il est entendu que la limite de la zone élargie prévue à cet article sera censée concorder avec la ligne médiane des eaux séparant deux États contractants, quand leur largeur sera inférieure à vingt-quatre milles marins, à moins qu'une autre ligne-frontière n'ait été fixée par convention, par l'usage ou autrement.

Il est de plus entendu que les mots «la mer ouverte» indiquent sans préjudice le territoire qui n'est pas touché par la stipulation de l'alinéa 1er de cet article.

Les délégués allemands, estoniens et polonais déclarent que leurs Gouvernements approuvent les stipulations de l'article 9, dans la supposition que la navigation légale n'en sera pas gênée, et que la stipulation de l'alinéa 2 de cet article n'implique nullement la reconnaissance ipso facto d'un tel droit de poursuite — que ce soit au-delà de la limite des eaux territoriales ou au-delà de la zone prévue à l'alinéa 1er.

Le délégué de l'Union des Républiques soviétiques socialistes... Déclare à titre d'information que la partie du golfe de Finlande à l'Est du méridien 28°54' de Greenwich, les eaux territoriales finlandaises exclues, entre nécessairement dans la zone de contrôle de l'Union des Républiques soviétiques socialistes.

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1 Ibid., vol. 42, p. 74 et suiv.; texte anglais, ibid., p. 75 et suiv.
2 Signée et ratifiée par l'Allemagne, le Danemark, l'Esthонie, la Finlande, la Lettonie, la Lithuanie, la Norvège, la Pologne et la Ville libre de Dantzig, la Suède et l'Union des Républiques soviétiques socialistes.
3 Entré en vigueur le 23 décembre 1925.
13) **Convention** ¹ on **Private International Law**, signed at the
**Sixth International Conference of American States, Habana,**
20 **February 1928** ²

**Article 1.** The contracting Republics accept and put into force the Code of
Private International Law annexed to the present convention.

**Article 4.** The Code shall come into force, for the Republics which
ratify it, thirty days after the deposit of the respective ratification, provided
it has been ratified by at least two of them.

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**CODE OF PRIVATE INTERNATIONAL LAW. BUSTAMANTE CODE** ³

**BOOK II. INTERNATIONAL COMMERCIAL LAW**

**Title III. Maritime and Air Commerce**

**Chapter I. Ships and Aircraft**

**Article 280.** The recognition of the ship, the request for a pilot, and
the sanitary police depend upon the territorial law.

**Article 281.** The obligations of the officers and seamen and the internal
order of the vessel are subject to the law of the flag.

**Article 282.** The preceding provisions of this chapter are also applicable
to aircraft.

**Article 284.** Provisions relating to the nationality of ships and aircraft
for river, lake, and coastwise commerce, or commerce between certain
points of the territory of the contracting States, as well as for fishing and
other submarine exploitations in the territorial sea, also are of an international
public order.

**Article 289.** A fortuitous collision in territorial waters or in the national
air is subject to the law of the flag if common to colliding vessels.

**Article 290.** In the same case, if the flags are different the law of the
place is applied.

**Article 291.** The same local law is in every case applied to wrongful
collisions in territorial waters or in the national air.

² Ratified (up to September 1956) by: Bolivia, Brazil, Costa Rica, Cuba,
Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama
Peru, Dominican Republic, Venezuela.
³ The Sixth International American Conference decides: that the Code of
Private International Law, approved by the Conference, shall be officially
designated as “Bustamante Code”.
Article 299. Nor are the penal laws of the State applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting State through its territory, except offenses not legally connected with said army.

Article 300. The same exemption is applied to offenses committed on board foreign war vessels or aircraft while in territorial waters or in the national air.

Article 301. The same is the case in respect to offenses committed in territorial waters or in the national air, on foreign merchant vessels or aircraft, if they have no relation with the country and its inhabitants and do not disturb its tranquillity.

14) Convention 1 on Maritime Neutrality, adopted by the VIth International Conference of American States and signed at Habana, 20 February 1928.

SECTION I

Freedom of Commerce in Time of War

Article 1. The following rules shall govern commerce of war:

1) Warships of the belligerents have the right to stop and visit on the high seas and in territorial waters that are not neutral any merchant ship with the object of ascertaining its character and nationality and of verifying whether it conveys cargo prohibited by international law or has committed any violation of blockade. If the merchant ship does not heed the signal to stop, it may be pursued by the warship and stopped by force; outside of such a case the ship cannot be attacked unless, after being hailed, it fails to observe the instructions given it.

The ship shall not be rendered incapable of navigation before the crew and passengers have been placed in safety.

2) Belligerent submarines are subject to the foregoing rules. If the submarine cannot capture the ship while observing these rules, it shall not have the right to continue to attack or to destroy the ship.

Article 2. Both the detention of the vessel and its crew for violation of neutrality shall be made in accordance with the procedure which best suits the state effecting it and at the expense of the transgressing ship. Said state, except in the case of grave fault on its part, is not responsible for damages which the vessel may suffer.

1 Ibid., Vol. 135, pp. 188 et seq.
2 Ratified (up to September, 1956) by: Bolivia, Colombia, Dominican Republic, Ecuador, Haiti, Nicaragua, Panama, United States of America.
SECTION II

Duties and Rights of Belligerents

Article 3. Belligerent states are obligated to refrain from performing acts of war in neutral waters or other acts which may constitute on the part of the state that tolerates them, a violation of neutrality.

Article 4. Under the terms of the preceding article, a belligerent state is forbidden:

(a) To make use of neutral waters as a base of naval operations against the enemy, or to renew or augment military supplies or the armament of its ships, or to complete the equipment of the latter;

(b) To install in neutral waters radiotelegraph stations or any other apparatus which may serve as a means of communication with its military forces, or to make use of installations of this kind it may have established before the war and which may not have been opened to the public.

Article 5. Belligerent warships are forbidden to remain in the ports or waters of a neutral state more than twenty-four hours. This provision will be communicated to the ship as soon as it arrives in port or in the territorial waters, and if already there at the time of the declaration of war, as soon as the neutral state becomes aware of this declaration.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions.

A ship may extend its stay in port more than twenty-four hours in case of damage or bad conditions at sea, but must depart as soon as the cause of the delay has ceased.

When, according to the domestic law of the neutral state, the ship may not receive fuel until twenty-four hours after its arrival in port the period of its stay may be extended an equal length of time.

Article 6. The ship which does not conform to the foregoing rules may be interned by order of the neutral government.

A ship shall be considered as interned from the moment it receives notice to that effect from the local neutral authority, even though a petition for reconsideration of the order has been interposed by the transgressing vessel, which shall remain under custody from the moment it receives the order.

Article 7. In the absence of a special provision of the local legislation, the maximum number of ships of war of a belligerent which may be in a neutral port at the same time shall be three.

Article 8. A ship of war may not depart from a neutral port within less than twenty-four hours after the departure of an enemy warship. The one entering first shall depart first, unless it is in such condition as to warrant extending its stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours it will leave the port, the one first entering, however, having the right to depart within that time. If it leaves, the notifying ship must observe the interval which is above stipulated.

Article 9. Damaged belligerent ships shall not be permitted to make repairs in neutral ports beyond those that are essential to the continuance of the voyage and which in no degree constitute an increase in its military strength.
Damages which are found to have been produced by the enemy's fire shall in no case be repaired.
The neutral state shall ascertain the nature of the repairs to be made and will see that they are made as rapidly as possible.

**Article 10.** Belligerent warships may supply themselves with fuel and stores in neutral ports, under the conditions especially established by the local authority and in case there are no special provisions to that effect, they may supply themselves in the manner prescribed for provisioning in time of peace.

**Article 11.** Warships which obtain fuel in a neutral port cannot renew their supply in the same state until a period of three months has elapsed.

**Article 12.** Where the sojourn, supplying, and provisioning of belligerent ships in the ports and jurisdictional waters of neutrals are concerned, the provisions relative to ships of war shall apply equally:

1. To ordinary auxiliary ships;
2. To merchant ships transformed into warships, in accordance with Convention VII of The Hague of 1907.

The neutral vessel shall be seized and in general subjected to the same treatment as enemy merchantmen:

(a) When taking a direct part in the hostilities;
(b) When at the orders or under direction of an agent placed on board by an enemy government;
(c) When entirely freight-loaded by an enemy government;
(d) When actually and exclusively destined for transporting enemy troops or for the transmission of information on behalf of the enemy.

In the cases dealt with in this article, merchandise belonging to the owner of the vessel or ship shall also be liable to seizure.

3. To armed merchantmen.

**Article 13.** Auxiliary ships of belligerents, converted anew into merchantmen, shall be admitted as such in neutral ports subject to the following conditions:

1. That the transformed vessel has not violated the neutrality of the country where it arrives;
2. That the transformation has been made in the ports or jurisdictional waters of the country to which the vessel belongs, or in the ports of its allies;
3. That the transformation be genuine, namely, that the vessel show neither in its crew nor in its equipment that it can serve the armed fleet of its country as an auxiliary, as it did before,
4. That the government of the country to which the ship belongs communicate to the states the names of auxiliary craft which have lost such character in order to recover that of merchantmen; and
5. That the same government obligate itself that said ships shall not again be used as auxiliaries to the war fleet.

**Article 14.** The airships of belligerents shall not fly above the territorial waters of neutrals if it is not in conformity with the regulations of the latter.

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SECTION III

Rights and Duties of Neutrals

Article 15. Of the acts of assistance coming from the neutral states, and the acts of commerce on the part of individuals, only the first are contrary to neutrality.

Article 16. The neutral state is forbidden:
(a) To deliver to the belligerent, directly or indirectly, or for any reason whatever, ships of war, munitions or any other war material;
(b) To grant it loans, or to open credits for it during the duration of war.
Credits that a neutral state may give to facilitate the sale or exportation of its food products and raw materials are not included in this prohibition.

Article 17. Prizes cannot be taken to a neutral port except in case of unseaworthiness, stress of weather, or want of fuel or provisions. When the cause has disappeared, the prizes must leave immediately; if none of the indicated conditions exist, the state shall suggest to them that they depart, and if not obeyed shall have recourse to the means at its disposal to disarm them with their officers and crew, or to intern the prize crew placed on board by the captor.

Article 18. Outside of the cases provided for in Article 17, the neutral state must release the prizes which may have been brought into its territorial waters.

Article 19. When a ship transporting merchandise is to be interned in a neutral state, cargo intended for said country shall be unloaded and that destined for others shall be transhipped.

Article 20. The merchantman supplied with fuel or other stores in a neutral state which repeatedly delivers the whole or part of its supplies to a belligerent vessel, shall not again receive stores and fuel in the same state.

Article 21. Should it be found that a merchantman flying a belligerent flag, by its preparations or other circumstances, can supply to warships of a state the stores which they need, the local authority may refuse it supplies or demand of the agent of the company a guaranty that the said ship will not aid or assist any belligerent vessel.

Article 22. Neutral states are not obligated to prevent the export or transit at the expense of any one of the belligerents of arms, munitions and in general of anything which may be useful to their military forces.
Transit shall be permitted when, in the event of a war between two American nations, one of the belligerents is a Mediterranean country, having no other means of supplying itself, provided the vital interests of the country through which transit is requested do not suffer by the granting thereof.

Article 23. Neutral states shall not oppose the voluntary departure of nationals of belligerent states even though they leave simultaneously in great numbers; but they may oppose the voluntary departure of their own nationals going to enlist in the armed forces.

Article 24. The use by the belligerents of the means of communication of neutral states or which cross or touch their territory is subject to the measures dictated by the local authority.
Article 25. If as the result of naval operations beyond the territorial waters of neutral states there should be dead or wounded on board belligerent vessels, said states may send hospital ships under the vigilance of the neutral government to the scene of the disaster. These ships shall enjoy complete immunity during the discharge of their mission.

Article 26. Neutral states are bound to exert all the vigilance within their power in order to prevent in their ports or territorial waters any violation of the foregoing provisions.

The delegation of Chile signs the present convention with a reservation concerning article 22, paragraph 2.

The delegation of the United States of America signs the present convention with a reservation regarding article 12, section 3.

The delegation of the Republic of Cuba signs with a reservation in reference to article 12, section 3.

15) Convention 1 concernant le régime des Détroits, signée à Montreux, le 20 juillet 1936 2

Article premier. Les Hautes Parties contractantes reconnaissent et affirment le principe de la liberté de passage et de navigation par mer dans les Détroits.

L'usage de ladite liberté est dorénavant réglé par les dispositions de la présente convention.

SECTION I

Navires de commerce

Article 2. En temps de paix, les navires de commerce jouiront de la complète liberté de passage et de navigation dans les Détroits, de jour et de nuit, quels que soient le pavillon et le chargement, sans aucune formalité, sous réserve des dispositions de l'article 3 ci-après. Aucune taxe ou charge autre que celles dont la perception est prévue par l'annexe I à la présente convention ne sera prélevée par les autorités turques sur ces navires lorsqu'ils passeront en transit sans faire escale dans un port des Détroits.

Afin de faciliter la perception de ces taxes ou charges, les navires de commerce qui franchiront les Détroits feront connaître aux agents du poste visé à l'article 3 leurs nom, nationalité, tonnage, destination et provenance.

Le pilotage et le remorquage restent facultatifs.

2 Ratifié par l'Australie, la Bulgarie, la France, la Grande-Bretagne et l'Irlande du Nord ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations, la Grèce, le Japon, la Roumanie, l'Union des Républiques soviétiques socialistes, la Yougoslavie, l'Italie y a adhéré par la suite.
Article 3. Tout navire qui pénètre dans les Détroits par la mer Égée ou par la mer Noire s’arrêtera à un poste sanitaire près de l’entrée des Détroits aux fins du contrôle sanitaire établi par les règlements turcs dans le cadre des prescriptions sanitaires internationales. Ce contrôle, dans le cas de navires possédant une patente nette de santé ou présentant une déclaration de santé attestant qu’ils ne tombent pas sous le coup des dispositions de l’alinéa 2 du présent article, s’effectuera de jour et de nuit, avec le plus de rapidité possible, et ces navires ne devront être arrêtés à aucun autre arrêt au cours de leur passage dans les Détroits.

Les navires qui ont à bord des cas de peste, de choléra, de fièvre jaune, de typhus exanthémateux ou de variole, ou qui en ont eu au moins sept jours auparavant, ainsi que les navires qui ont quitté un port contaminé depuis moins de cinq fois vingt-quatre heures, s’arrêteront au poste sanitaire indiqué à l’alinéa précédent pour y embarquer les gardes sanitaires que les autorités turques pourraient désigner. Il ne sera, à ce titre, prélevé aucune taxe ou charge et les gardes devront être débarqués à un poste sanitaire à la sortie des Détroits.

Article 4. En temps de guerre, la Turquie n’étant pas belligérante, les navires de commerce, quels que soient le pavillon et le chargement, jouiront de la liberté de passage et de navigation dans les Détroits dans les conditions prévues aux articles 2 et 3.

Le pilotage et le remorquage restent facultatifs.

Article 5. En temps de guerre, la Turquie étant belligérante, les navires de commerce n’appartenant pas à un pays en guerre avec la Turquie jouiront de la liberté de passage et de navigation dans les Détroits à condition de n’assister en aucune façon l’ennemi.

Ces navires entreront de jour dans les Détroits et le passage devra s’effectuer par la route qui sera, dans chaque cas, indiquée par les autorités turques.

Article 6. Au cas où la Turquie s’estimerait menacée d’un danger de guerre imminent, il continuerait néanmoins à être fait application des dispositions de l’article 2, sauf que les navires devraient entrer de jour dans les Détroits et que le passage devrait s’effectuer par la route indiquée, dans chaque cas, par les autorités turques.

Le pilotage pourrait, dans ce cas, être rendu obligatoire, mais sans rétribution.

Article 7. Le terme « navires de commerce » s’applique à tous les navires qui ne sont pas visés par la section II de la présente convention.

SECTION II

Bâtiments de guerre

Article 8. Aux fins de la présente convention, la définition applicable aux bâtiments de guerre et à leurs spécifications, ainsi qu’au calcul des tonnages est celle qui figure dans l’annexe II à la présente convention.

Article 9. Les bâtiments auxiliaires de la marine militaire spécifiquement conçus pour le transport des combustibles, liquides ou non, ne seront pas astreints au préavis visé à l’article 13 et n’entreront pas dans le calcul des tonnages soumis à limitation en vertu des articles 14 et 18, à condition de traverser les Détroits isolément. Toutefois ils demeureront assimilés aux bâtiments de guerre en ce qui concerne les autres conditions de passage.
Les bâtiments auxiliaires visés au précédent alinéa ne pourront bénéficier de la dérogation envisagée que si leur armement ne comporte pas: comme artillerie contre objectifs flottants, plus de deux pièces d'un calibre de 105 mm au maximum; comme artillerie contre objectifs aériens, plus de deux matériels d'un calibre de 75 mm au maximum.

**Article 10.** En temps de paix, les bâtiments légers de surface, les petits navires de combat et les navires auxiliaires, qu'ils appartiennent à des Puissances riveraines ou non de la mer Noire, quel que soit leur pavillon, jouiront de la liberté de passage dans les Détroits sans aucune taxe ou charge quelconque, pourvu qu'ils y pénètrent de jour et dans les conditions prévues aux articles 13 et suivants ci-après.

Les bâtiments de guerre autres que ceux qui entrent dans les classes visées à l’alinéa précédent n’auront le droit de passage que dans les conditions spéciales prévues aux articles 11 et 12.

**Article 11.** Les Puissances riveraines de la mer Noire sont autorisées à faire passer par les Détroits leurs bâtiments de ligne d’un tonnage supérieur au tonnage prévu à l’alinéa premier de l’article 14, à la condition que ces bâtiments ne franchissent les Détroits qu’un à un, escortés au plus de deux torpilleurs.

**Article 12.** Les Puissances riveraines de la mer Noire auront le droit de faire passer par les Détroits, en vue de rallier leur base, leurs sous-marins construits ou achetés en dehors de cette mer, si un avis de mise en chantier ou d’achat a été donné en temps utile à la Turquie.

Les sous-marins appartenant auxdites Puissances pourront également traverser les Détroits pour être réparés dans des chantiers situés hors de cette mer à la condition que des précisions à ce sujet soient données à la Turquie.

Dans l’un et l’autre cas, les sous-marins devront naviguer de jour et en surface et traverser les Détroits isolément.

**Article 13.** Pour le passage dans les Détroits des bâtiments de guerre, un préavis devra être donné au Gouvernement turc par la voie diplomatique. La durée normale du préavis sera de huit jours; mais il est désiré que, pour les Puissances non riveraines de la mer Noire, elle soit portée à quinze jours. Il sera indiqué dans le préavis la destination, le nom, le type et le nombre des bâtiments ainsi que la date de passage pour l’aller et, s’il y a lieu, pour le retour. Tout changement de date devra faire l’objet d’un préavis de trois jours.

L’entrée dans les Détroits pour le passage d’aller devra avoir lieu dans un délai de cinq jours à partir de la date indiquée dans le préavis initial. Après l’expiration de ce délai, il devra être donné un nouveau préavis, dans les mêmes conditions que pour le préavis initial.

Lors du passage, le commandant de la force navale communiquera, sans avoir à s’arrêter, à une station de signaux à l’entrée des Dardanelles ou du Bosphore, la composition exacte de la force se trouvant sous ses ordres.

**Article 14.** Le tonnage global maximum de toutes les forces navales étrangères pouvant se trouver en cours de transit dans les Détroits ne devra pas dépasser 15.000 tonnes, sauf dans les cas prévus à l’article 11 et à l’annexe III à la présente convention.

Toutefois les forces visées à l’alinéa précédent ne devront pas comprendre plus de neuf bâtiments.
Ne seront pas compris dans ce tonnage les bâtiments appartenant à des Puissances riveraines ou non riveraines de la mer Noire qui, conformément aux dispositions de l'article 17, rendent visite à un port des Détroits.

Ne seront pas davantage compris dans ce tonnage les bâtiments de guerre qui auraient subi une avarie lors de la traversée; ces bâtiments se soumettront, pendant les réparations, aux dispositions spéciales de sécurité édictées par la Turquie.

**Article 15.** Les bâtiments de guerre en transit dans les Détroits ne pourront en aucun cas, utiliser les aéronefs dont ils seraient porteurs.

**Article 16.** Les bâtiments de guerre en transit dans les Détroits ne devront, sauf en cas d’avarie ou de fortune de mer, y séjourner au-delà du temps nécessaire pour effectuer leur passage.

**Article 17.** Les dispositions des articles précédents ne sauraient en aucune manière empêcher une force navale d’un tonnage et d’une composition quelconques de rendre, dans un port des Détroits, sur l’invitation du Gouvernement turc, une visite de courtoisie d’une durée limitée. Cette force devra quitter les Détroits par la même route que pour l’entrée, à moins qu’elle ne soit dans les conditions voulues pour passer en transit dans les Détroits, conformément aux dispositions des articles 10, 14 et 18.

**Article 18.** 1. Le tonnage global que les Puissances non riveraines de la mer Noire peuvent avoir dans cette mer en temps de paix est limité de la façon suivante:

   a) Sauf dans le cas prévu au paragraphe b) ci-après, le tonnage global desdites Puissances n’excédera pas 30.000 tonnes;

   b) Au cas où, à un moment quelconque, le tonnage de la flotte la plus forte de la mer Noire viendrait à dépasser d’au moins 10.000 tonnes celui de la flotte la plus forte en cette mer à la date de la signature de la présente convention, le tonnage global de 30.000 tonnes mentionné au paragraphe a sera majoré d’autant, jusqu’à concurrence d’un maximum de 45.000 tonnes. À cette fin, chaque Puissance riveraine fera connaître, conformément à l’annexe IV à la présente convention, au Gouvernement turc, le 1er janvier et le 1er juillet de chaque année, le tonnage total de sa flotte en mer Noire, et le Gouvernement turc transmettra cette information aux autres Hautes Parties contractantes ainsi qu’au Secrétariat général de la Société des Nations;

   c) Le tonnage que l’une quelconque des Puissances non riveraines aura la faculté d’avoir en mer Noire sera limité aux deux tiers du tonnage global visé aux paragraphes a et b ci-dessus;

   d) Toutefois au cas où une ou plusieurs Puissances non riveraines de la mer Noire désireraient y envoyer, dans un but humanitaire, des forces navales, ces forces, dont l’ensemble ne devra, en aucune hypothèse, excéder 8.000 tonnes, seront admises à pénérer dans la mer Noire, sans le préavis prévu à l’article 13 de la présente convention, moyennant une autorisation obtenue du Gouvernement turc dans les conditions suivantes: si le tonnage global visé aux paragraphes a et b ci-dessus n’est pas atteint et ne doit pas être dépassé par les forces dont l’envoi est demandé, le Gouvernement turc accordera ladite autorisation dans le plus bref délai après la réception de la demande dont il aura été saisi; si ledit tonnage global se trouve être déjà utilisé ou s’il devait être dépassé par les forces dont l’envoi est demandé, le Gouvernement turc donnera immédiatement connaissance de la demande, d’autorisation aux autres Puissances riveraines de la mer Noire et si ces
Puissances, vingt-quatre heures après en avoir été informées, n'y font pas d'objection, il fera savoir aux Puissances intéressées, au plus tard dans un délai utile de quarante-huit heures, la suite qu'il aura décidé de donner à leur demande.

Toute entrée ultérieure en mer Noire de forces navales des Puissances non riveraines ne s'effectuera que dans les limites disponibles du tonnage global visé aux paragraphes a et b ci-dessus.

2. Quel que soit l'objet de leur présence en mer Noire, les bâtiments de guerre des Puissances non riveraines ne pourront pas y rester plus de vingt et un jours.

**Article 19.** En temps de guerre, la Turquie n'étant pas belligérante, les bâtiments de guerre jouiront d'une complète liberté de passage et de navigation dans les Détroits dans des conditions identiques à celles qui sont stipulées aux articles 10 à 18.

Toutefois il sera interdit aux bâtiments de guerre de toute Puissance belligérante de passer à travers les Détroits, sauf dans les cas rentrant dans l'application de l'article 25 de la présente convention, ainsi que dans le cas d'assistance prêtée à un État victime d'une agression en vertu d'un traité d'assistance mutuelle engageant la Turquie, conclu dans le cadre du Pacte de la Société des Nations, enregistré et publié conformément aux dispositions de l'article 18 dudit pacte. Dans les cas exceptionnels visés à l'alinéa précédent, ne seront pas applicables les limitations indiquées dans les articles 10 à 18.

Malgré l'interdiction de passage édictée dans l'alinéa 2 ci-dessus, les bâtiments de guerre des Puissances belligérantes riveraines ou non de la mer Noire, séparés de leurs ports d'attache, sont autorisés à rallier ces ports.

Il est interdit aux bâtiments de guerre belligérants de procéder à toute capture, d'exercer le droit de visite et de se livrer à un acte hostile quelconque dans les Détroits.

**Article 20.** En temps de guerre, la Turquie étant belligérante, les dispositions des articles 10 à 18 ne seront pas applicables ; le passage des bâtiments de guerre sera entièrement laissé à la discrétion du Gouvernement turc.

**Article 21.** Au cas où la Turquie s'estimerait menacée d'un danger de guerre imminent, elle aurait le droit d'appliquer les dispositions de l'article 20 de la présente convention.

Les bâtiments de guerre qui, après avoir passé par les Détroits antérieurement à l'usage par la Turquie de la faculté que lui confère l'alinéa précédent, se trouveraient ainsi séparés de leurs ports d'attache, pourront rallier ces ports. Il est cependant entendu que la Turquie pourra ne pas faire bénéficier de ce droit les bâtiments de l'État dont l'attitude aurait motivé l'application du présent article.

Si le Gouvernement turc fait usage de la faculté que lui confère l'alinéa premier ci-dessus, il adressera une notification à cet effet aux Hautes Parties contractantes ainsi qu'au Secrétaire général de la Société des Nations.

Si le Conseil de la Société des Nations, par une majorité des deux tiers, décide que les mesures ainsi prises par la Turquie ne sont pas justifiées et si tel est également l'avis de la majorité des Hautes Parties contractantes signataires de la présente convention, le Gouvernement turc s'engage à rapporter les mesures en question ainsi que celles qui auraient été prises en vertu de l'article 6 de la présente convention.
Article 22. Les bâtiments de guerre qui ont à bord des cas de peste, de choléra, de fièvre jaune, de typhus exanthématique ou de variole, ou qui en ont eu moins de sept jours auparavant, ainsi que les bâtiments qui ont quitté un port contaminé depuis moins de cinq fois vingt-quatre heures devront passer les Détroits en quarantaine et appliquer par les moyens du bord les mesures prophylactiques nécessaires pour éviter toute possibilité de contamination des Détroits.

16) Treaty on International Penal Law, signed at Montevideo, 19 March 1940.

Article 9. Crimes perpetrated on board men-of-war or military planes of one State, while these are in the territorial waters of another State, shall be tried by the tribunals, and punished according to the laws of the State to which the said men-of-war or airplanes belong.

If only persons who do not belong to the crew of the warship or airplane participate in the commission, on board, of such acts, prosecution and punishment shall be conducted in accordance with the laws of the State within whose territorial waters the warship or airplane is located.

The laws of the country to which the ship or airplane belongs shall also govern the trial and punishment of such punishable acts as are committed elsewhere than on board by members of the crew or by individuals charged with the exercise of some function on board, when the said acts affect only the disciplinary order of those ships or planes.

Article 10. Crimes committed on board vessels other than vessels of war shall be tried and punished by the judges or tribunals, and according to the laws of the State in whose territorial waters a given vessel was located at the time when such a crime was committed.

If the crimes are committed on board private airplanes which are not in flight, the corresponding trial and imposition of punishment shall be conducted according to the laws, and by the judges, of the territory where the crimes occurred.

Article 12. For the purposes of criminal jurisdiction, territorial waters are declared to be those included in a belt five miles wide running along the coast of the mainland or of the islands which constitute part of the territory of the various States.

Article 13. A riparian State has the right to continue on the high seas a pursuit begun within its territorial waters, as well as the right to arrest and try the vessel that has committed an offence within the said waters. In all cases where a capture is effected on the high seas, that fact shall be communicated without delay to the State whose flag the vessel flies. The pursuit must be broken off instantly when the vessel enters [other] territorial waters, or a port belonging to its own country or to a third State.
Note. The treaty concerning international criminal law, signed at Montevideo, 23 January 1889 (Martens, *Nouveau Recueil Général de Traités*, 2ème série, vol. XVIII, p. 433) contains the following provisions:

"Article 9. If an offence is committed on board a warship belonging to one State while the ship is in the territorial waters of another State, then the offender shall be tried and punished in conformity with the law of the State to which the ship belongs.

"Similarly, if any member of the crew or officer of a warship commits, otherwise than on board the said ship, some punishable act which affects, principally, the discipline in the ship, then the offender shall likewise be tried and punished in conformity with the law of the State to which the warship belongs.

"Article 11. If an offence is committed on board a merchant vessel, the offender shall be tried and punished in conformity with the law of the State in the territorial waters of which the vessel was lying at the time of the offence.

"Article 12. For the purposes of criminal jurisdiction, the expression 'territorial waters' means the waters within an area extending five miles from the coast of the mainland or from the coast of the islands which form part of the territory of the particular State."

This treaty has been ratified by Argentina, Bolivia, Paraguay, Peru and Uruguay.

17) International Convention 1 on Certain Rules Concerning Civil Jurisdiction in Matters of Collision, signed at Brussels, 10 May 1952 2

Article 1. (1) An action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced—

(a) Either before the Court where the defendant has his habitual residence or a place of business;

(b) Or before the Court of the place where arrest has been effected of the defendant ship or of any other ship belonging to the defendant which can be lawfully arrested, or where arrest could have been effected and bail or other security has been furnished;

(c) Or before the Court of the place of collision when the collision has occurred within the limits of a port or in inland waters.


2 Signed by (up to April, 1956): Belgium, Brazil, Denmark, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Ratifications and Accessions (up to April, 1956): Costa Rica, Egypt, Spain, Switzerland, Yugoslavia. Entered into force on 14 September 1955 in respect of Spain, Switzerland and Yugoslavia, on 13 January 1956 in respect of Costa Rica, and on 24 February 1956 in respect of Egypt.
(2) It shall be for the Plaintiff to decide in which of the Courts referred to in § (1) of this article the action shall be instituted.

(3) A claimant shall not be allowed to bring a further action against the same defendant on the same facts in another jurisdiction, without discontinuing an action already instituted.

Article 2. The provisions of article 1 shall not in any way prejudice the right of the parties to bring an action in respect of a collision before a Court they have chosen by agreement or to refer it to arbitration.

Note. The Government of the Republic of Costa Rica, in acceding to this Convention, formulated the reservation that a civil action for collision occurring between seagoing vessels or between seagoing vessels and inland navigation craft could be introduced only before the Court where the defendant has his habitual residence or before the Court of the State whose flag the vessel was flying.

Accordingly, the Republic of Costa Rica did not recognize the provisions of article 1, paragraph 1 (b) and (c) as binding.

Pursuant to the Code of Private International Law, approved at the Sixth International Conference of American States at Havana, Cuba, the Government of the Republic of Costa Rica, in accepting this Convention, formulated the express reservation that it would in no case renounce its competence or jurisdiction to apply Costa Rican law in collisions occurring on the high seas or in its territorial waters in which a Costa Rican vessel was damaged.

18) INTERNATIONAL CONVENTION 1 FOR THE UNIFICATION OF CERTAIN RULES RELATING TO PENAL JURISDICTION IN MATTERS OF COLLISION OR OTHER INCIDENTS OF NAVIGATION, SIGNED AT BRUSSEL, 10 MAY 1952 2

Article 4. This Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters.

Furthermore, the High Contracting Parties shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters.

Note. Pursuant to article 4 of this Convention, the Governments of Spain, France, Egypt, Viet-Nam and Yugoslavia reserved the right to take proceeding in respect of offences committed within their own territorial waters. The Government of Costa Rica did not recognize articles 1 and 2 of this Convention as binding.

1 Ibid.; French text, ibid.
2 Signed by (up to April, 1956): Belgium, Brazil, Denmark, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Article 2. A ship flying the flag of one of the Contracting States may be arrested in the jurisdiction of any of the Contracting States in respect of any maritime claim, but in respect of no other claim; but nothing in this Convention shall be deemed to extend or restrict any right or powers vested in any Governments or their Departments, Public Authorities, or Dock or Harbour Authorities under their existing domestic laws or regulations to arrest, detain or otherwise prevent the sailing of vessels within their jurisdiction.

Article 4. A ship may only be arrested under the authority of a Court or of the appropriate judicial authority of the Contracting State in which the arrest is made.

Article 6. All questions whether in any case the claimant is liable in damages for the arrest of a ship or for the costs of the bail or other security furnished to release or prevent the arrest of a ship, shall be determined by the law of the Contracting State in whose jurisdiction the arrest was made or applied for.

The rules of procedures relating to the arrest of a ship, to the application for obtaining the authority referred to in Article 4, and to all matters of procedure which the arrest may entail, shall be governed by the law of the Contracting State in which the arrest was made or applied for.

20) AGREEMENTS between CHILE, ECUADOR AND PERU, signed at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, SANTIAGO, 18 August 1952

(a) DECLARATION on the Maritime Zone

1. Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

2. It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.

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1 Ibid.; French text, ibid.
2 Signed (up to April, 1956) by: Belgium, Brazil, Egypt, France, Germany (Federal Republic), Greece, Italy, Lebanon, Monaco, Nicaragua, Spain, United Kingdom, the Vatican, Yugoslavia.

Ratifications and Accessions (up to August, 1956): Costa Rica, Egypt, Haiti, Spain, Switzerland, the Vatican. This Convention entered into force on 24 August 1953 in respect of all of the five first-mentioned States, and on 10 January 1957 in respect of the Vatican.

3 Ratified by all the signatory States. Costa-Rica has acceded.
3. Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

For the foregoing reasons the Government of Chile, Ecuador and Peru, being resolved to preserve for and make available to their respective peoples the natural resources of the areas of sea adjacent to their coasts, hereby declare as follows:

(I) Owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit of the conservation, development and use of those resources, to which the coastal countries are entitled.

(II) The Governments of Chile, Ecuador and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

(III) Their sole jurisdiction and sovereignty over the zone thus described includes sole sovereignty and jurisdiction over the sea floor and subsoil thereof.

(IV) The zone of 200 nautical miles shall extend in every direction from any island or group of islands forming part of the territory of a declarant country. The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point at which the land frontier between the two countries reaches the sea.

(V) This Declaration shall not be construed as disregarding the necessary restrictions on the exercise of sovereignty and jurisdiction imposed by international law to permit the innocent and inoffensive passage of vessels of all nations through the zone aforesaid.

(VI) The Governments of Chile, Ecuador and Peru state that they intend to sign agreements or conventions to put into effect the principles set forth in this Declaration and to establish general regulations for the control and protection of hunting and fishing in their respective maritime zones and the control and co-ordination of the use and working of all other natural products or resources of common interest present in the said waters.

(b) Organization of the Standing Committee of the Conference on the Use and Conservation of the Marine Resources of the South Pacific

(1) To achieve the objects set forth in the Declaration on the Maritime Zone signed at this First Conference on the Use and Conservation of the Marine Resources of the South Pacific, the Governments of Chile, Ecuador and Peru agree to establish a Standing Committee composed of not more

\[\text{Ibid.}, \text{pp. 105 et seq. Translation by the Secretariat of the United Nations.}\]
than three representatives of each. The Committee shall hold one ordinary meeting a year and any of the Governments may also convene special meetings.

The Standing Committee shall meet in accordance with a system of annual rotation, under a chairman appointed by the host Government.

(2) The Standing Committee shall establish Technical Offices to coordinate all action by the Parties in pursuance of the aims and objects of the Conference. These Offices shall not frame policy but shall merely assemble administrative, industrial, scientific, economic and statistical information relating to the objects of the Conference and circulate the same to the Parties in order to keep them duly and promptly informed. They shall likewise act as secretariats of the Standing Committee.

(3) The Standing Committee shall carry out studies and adopt resolutions as hereinafter indicated with a view to the conservation and improved use of marine fauna and other resources, having regard to the interest of each contracting country.

The Standing Committee shall, with a view to the conservation of marine resources, standardize the regulations governing the hunting and fishing of common marine species of the contracting countries, and for this purpose shall have power—

(a) To determine protected species; open and closed seasons and areas of sea; fishing and hunting times, methods and equipment; and prohibited gear and methods; and to lay down general regulations for hunting and fishing;

(b) To study and propose to the Parties such measures as it considers suitable for the protection, defence, conservation and use of marine resources;

(c) To encourage scientific and technical study of and research into biological phenomena in the South Pacific;

(d) To prepare general statistics of the industrial use of marine resources by the Parties, and to suggest protective measures based on the study thereof;

(e) To deal with requests for advice on the protective measures based on study of the said statistics;

(f) To prepare the agenda and propose dates and sites for future plenary meetings of the Conference;

(g) To exchange scientific and technical information with other international or private organizations concerned with the study and protection of marine resources;

(h) To ensure that the fishing and hunting quotas fixed annually by each Party in the exercise of its exclusive rights do not endanger the preservation of the marine resources of the South Pacific;

(i) To settle all questions relating to its own operation, the organization of the secretariats and Technical Offices, and procedural matters in general.

(4) Every resolution adopted by the Standing Committee shall have mandatory effect forthwith in each signatory State; provided that a resolution to which a signatory State lodges an objection within ninety days shall cease to have effect in that State until the objection has been withdrawn. In computing the said period of ninety days, a Government shall be deemed to have been notified of a resolution on the date of its adoption solely by the assent of that Government's representatives thereto. If the representatives of a country are not present, notice of an agreement shall be given
in writing to the diplomatic representative of that country accredited to the country in which the Committee is sitting.

(5) The signatory Governments shall enforce the agreements of the Conference and the resolutions of the Standing Committee by imposing a system of legal penalties for breaches thereof committed within their jurisdiction. In the absence of appropriate statutory penalties they shall request the competent authorities to establish the same.

Notice of the imposition of any penalty under this provision shall be given to the Standing Committee through the competent Technical Office referred to in paragraph (2). Technical Offices shall keep complete and detailed registers of all charges and penalties.

(6) Any Party may denounce this agreement by giving one full calendar year's notice of denunciation to the other Parties.

c) JOINT DECLARATION ON FISHERY PROBLEMS IN THE SOUTH PACIFIC

The representatives of Chile, Ecuador and Peru to the First Conference on the Use and Conservation of the Marine Resources of the South Pacific,

CONSIDERING:

That the Governments of Chile, Ecuador and Peru are concerned at the danger caused by lack of protection to the conservation of fishery resources in the maritime zones under their jurisdiction and sovereignty;

That because of the progressive development of new methods and techniques, large areas of their waters are being fished more intensively, and that some fishery resources highly important to the food supply and irreplaceable as sources of industrial materials are in serious danger of exhaustion;

That the principal species of South Pacific fauna periodically migrate and appear at certain seasons off the western coast of South America;

That there is a need to establish and apply measures of protection and conservation with a view to the improvement of yield, to the advantage of the national food supply and economies of the signatory States;

That it is necessary to standardize fishery legislation, to regulate or prohibit the use of certain destructive forms and methods of fishing, and in general to establish practices conducing to the rational use of joint marine resources;

HEREBY AGREE AS FOLLOWS:

(1) To recommend the Governments here represented to establish on their coasts and ocean islands such marine biological stations as may be necessary for the study of the migration and reproduction of the species of greatest nutritive value, in order to prevent reduction of the stocks thereof;

(2) To co-ordinate national and international scientific research and to enlist the cooperation of fishery organizations with similar objects;

(3) To recommend the enactment of such regulations as may be necessary for the conservation of fishery resources in the maritime zones under their jurisdiction;

(4) To recommend to the signatory Governments that licences to fish in their maritime zones should be issued only for such fishing as does not

1 Ibid., pp. 107 et seq. Translation by the Secretariat of the United Nations.
impair the conservation of the species covered by the licence and is intended to provide fish for domestic consumption or raw materials for domestic industry.

(d) **Regulations governing Whaling in the Waters of the South Pacific**

**Whereas**

The representatives of Chile, Ecuador and Peru attending the First Conference on the Utilization and Conservation of the Marine Resources of the South Pacific are convinced of the urgent need to regulate whaling forthwith,

AND whereas

It is the duty of each Government to ensure the conservation and protection of the stock of whales existing in the area of the South Pacific;

It is necessary to regulate the hunting of the said whales so as to prevent such intensive operations as might lead to the temporary or permanent extinction of that animal species, with consequent injury to the economies of the countries of the South Pacific;

The carrying on of this industry through land stations implies per se a restriction on whale-hunting owing to the immobility of such stations and to the limited radius of action of whale catchers;

Land stations carry on whaling operations more efficiently than factory ships, for, in addition to the fats, such stations also utilize the meat and bones of whales for the purpose of producing foodstuffs for human beings and animals;

NOW THEREFORE THE SAID REPRESENTATIVES HEREBY AGREE:

To constitute themselves a Provisional Standing Committee, and in that capacity make the following Regulations governing whaling:

**Article 1.** Whaling in the South Pacific, and more particularly in the maritime zones under the sovereignty or jurisdiction of the signatory States, whether carried on by land-based industries or by floating factories, shall be subject to the rules prescribed by the Conference, whose Standing Committee shall study and, in agreement with the Governments of the States aforesaid, decide upon any amendment which may be advisable for the purpose of the expansion or improvement of the industries or which (so far as it is not inconsistent with the provisions agreed upon by the Conference) is consequential upon some international commitment entered into hereafter.

**Article 2.** The authorities of the several States shall be responsible for the control of whaling, whether carried on by floating factories or from land stations, and for the enforcement of the provisions of these Regulations.

**Article 3.** For the purposes of the previous article, every whaling undertaking now existing or to be organized in the future must be entered in the special register kept by the Standing Committee; every such undertaking shall file a declaration specifying the number and position of its land stations, the number and category of the whaling units at its disposal, or the number and characteristics of the ships or vessels constituting the floating factory.

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Article 4. Pelagic whaling shall not be carried on in the maritime zone under the jurisdiction or sovereignty of the signatory countries except under a permit issued by the Standing Committee, which shall prescribe the conditions governing the issue of such permits. Any such permit shall not be issued except by unanimous decision of the Standing Committee.

The signatory countries shall prescribe the penalties applicable to any person who fails to comply with this provision.

Article 5. The taking and treatment of whales by a land station shall not be carried on in the maritime zone under the sovereignty or jurisdiction of a Contracting State except by an undertaking thereunto authorized by the Government concerned pursuant to these Regulations.

Article 6. An offence under these Regulations committed by an undertaking established in a Contracting State shall be punished in accordance with the legislation in force in that State.

Article 7. The crew of a whale catcher or of a factory ship, and the technical staff employed at a land station, must be registered in a special register, kept for the purpose by the Standing Committee, in which the undertaking employing the crew or staff shall be specified.

Article 10. Pelagic whaling for baleen whales shall be forbidden in the maritime zone under the jurisdiction or sovereignty of the States aforesaid.

Article 22. The skipper of a vessel engaged in the whaling industry shall be bound to notify the competent authorities immediately, by wireless, if he observes the presence of whale catchers or factory ships of foreign nationality in the waters subject to the jurisdiction of the Contracting States, and shall, in his message, report their position. He shall likewise report to the said authorities any message intercepted by him which originates from a whaling vessel of foreign nationality and which affords grounds for suspecting that the vessel in question is engaged in whaling operations in the waters subject to the said jurisdiction.

He shall at the same time transmit a similar report to the Technical Offices of the Standing Committee.

Article 23. Each signatory Government undertakes to prevent whaling operations from being carried on in the waters subject to its jurisdiction in circumstances constituting a breach of the provisions of these Regulations.

Article 24. For the purposes of these Regulations, the following expressions shall have the meanings respectively assigned to them:

(a) "land station" means any factory or industrial establishment for the treatment of whales which is set up on the mainland or island shores of a particular country.

(b) "floating station" means any ship equipped to treat on board whales delivered to it, on condition that such ship moves on the sea, being either self-propelled or towed.

(c) "baleen whale" means any whale other than a toothed whale;

(d) "blue whale" means any whale known by the name of blue whale, Sibbald's rorqual or sulphur bottom;

(e) "finback" means any whale known by the name of fin whale, herring whale or razorback;
(f) "sei whale" means any whale known by the name of *Balaenoptera borealis* or Rudolfi's rorqual, and shall be deemed to include *Balaenoptera brydei*;

(g) "gray whale" means any whale also known by the name of California gray, devil fish, hard head or mussel digger;

(h) "humpback whale" means any whale known by the name of bunch, humpbacked whale, hump whale or hunchbacked whale;

(i) "right whale" means any whale known by the name of Pacific Arctic or Biscayan right whale, bowhead, great polar whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific whale, pigmy right whale, Southern pigmy right whale or Southern right whale;

(j) "sperm whale" means a toothed whale, cachalot, spermacet whale or pot whale;

(k) "Dauhval whale" means any unclaimed dead whale found floating with no signs of specific ownership;

(l) "quota" means the maximum number of units to be taken in the season of any one year.

21) **Agreements** between *Chile, Ecuador and Peru*, signed at the **Second Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific**, Lima, 4 December 1954

(a) Agreement supplementary to the Declaration of Sovereignty over the Maritime Zone of Two Hundred Miles

The Governments of the Republics of Chile, Ecuador and Peru, in conformity with the provisions of resolution X of 8 October 1954, signed at Santiago de Chile by the Standing Committee of the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific,

Having noted the proposals and recommendations approved in October of this year by the said Standing Committee,

Have appointed the following plenipotentiaries:

**And whereas**

Chile, Ecuador and Peru have proclaimed their sovereignty over the sea adjacent to the coasts of their respective countries to a distance of not less than two hundred nautical miles from the said coasts, the sea-bed and the subsoil of this maritime zone being included;

The Governments of Chile, Ecuador and Peru, at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in 1952, expressed their intention of entering into agreements or conventions relating to the application of the principles governing that sovereignty, for the purpose in particular of regulating and protecting hunting and fisheries within their several maritime zones;

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1 Ratified (up to June 1955) by: Peru.
NOW THEREFORE THE SAID PLENIPOTENTIARIES HEREBY AGREE AS FOLLOWS:

1. Chile, Ecuador and Peru shall consult with one another for the purpose of upholding, in law, the principle of their sovereignty over the maritime zone to a distance of not less than two hundred nautical miles, including the sea-bed and the subsoil corresponding thereto. The term "nautical mile" means the equivalent of one minute of the arc measured on the Equator, or a distance of 1,852.8 metres.

2. If any complaints or protests should be addressed to any of the Parties, or if proceedings should be instituted against a Party in a court of law or in an arbitral tribunal, whether possessing general or special jurisdiction, the contracting countries undertake to consult with one another concerning the case to be presented for the defence and furthermore bind themselves to co-operate fully with one another in the joint defence.

3. In the event of a violation of the said maritime zone by force, the State affected shall report the event immediately to the other Contracting Parties, for the purpose of determining what action should be taken to safeguard the sovereignty which has been violated.

4. Each of the Contracting Parties undertakes not to enter into any agreements, arrangements or conventions which imply a diminution of the sovereignty over the said zone, though this provision shall not prejudice their rights to enter into agreements or to conclude contracts which do not conflict with the common rules laid down by the contracting countries.

5. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(b) AGREEMENT RELATING TO PENALTIES

1. If any person, whether a national or an alien and whether an individual or a body corporate, commits an offence against the regulations governing maritime fisheries and hunting which have been approved by the Conference, that person shall be liable to the penalties hereinafter prescribed.

2. Any such offence as aforesaid shall be punishable by the seizure of the product which is the object of the offence, in the condition in which it then is, without prejudice to the imposition of any or all of the following penalties:

   (a) A fine of one to five times the commercial value of the product of hunting or fishing obtained through the offence;

   (b) An order prohibiting the person in question from fishing or hunting in the maritime zones or from entering the ports of the contracting countries for a period which shall not be less than six months or more than three years; and

   (c) In the event of a repetition of the offence, the court shall in addition impose the fines mentioned in subsection (a) above, increased at its discretion to any sum not exceeding the commercial value of the vessel or

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vessels which committed the offence. It may also make an order under subsection (b) providing for a prohibition to be in effect for double the period mentioned in the said subsection.

3. The vessel or vessels which committed the offence shall be under attachment pending trial, as security for the payment of the fines, unless the court has accepted some other form of security. The vessel in question shall remain answerable even in the event of a change in its nationality, ownership or management.

This provision shall apply also to any costs or disbursements which may have been occasioned, and the sum due by reason thereof shall constitute a prior charge.

4. The managing owner of the vessel and the captain or master shall be jointly liable for offences. Notices shall be served on the captain or master, who shall be deemed to be the authorized agent of the owner so long as the latter does not designate some other person to act on his behalf.

5. The court shall place at the disposal of the Standing Committee the entire cash proceeds of the fines recovered or seizures made in pursuance of these provisions relating to penalties. The Committee shall distribute these proceeds in equal shares among the Contracting Parties, subject to a deduction of 10 per cent representing receipts to be applied towards its budget.

6. In each contracting country a special court shall be constituted to try cases involving such offences and to impose the appropriate penalties. This court shall, in the several countries, be constituted in the following manner:

(a) In Chile, it shall be composed of the President of the Court of Appeal of Valparaiso, who shall act as president, the Superintendent of Customs and the Director of Coastal Areas and Merchant Marine;

(b) In Ecuador, it shall be composed of the President of the High Court of Guayaquil, who shall act as president, the Director-General of Customs and the Officer Commanding the Naval District; and

(c) In Peru, it shall be composed of the President of the High Court of Lima, who shall act as president, the Superintendent-General of Customs, and the Director of Port Authorities.

In the event of absence or impediment, any member of these courts shall be replaced by the person designated as his substitute by the law of the particular country.

7. The offences referred to in these provisions shall be tried and punished by the court of the country which effected the capture of the offender.

8. The Standing Committee is hereby empowered to propose to the several countries the rules to be observed by the courts in dealing with and adjudicating cases. Until these rules become operative, each country shall apply the provisions of municipal law.

9. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.
(c) Agreement relating to Measures of Supervision and Control in the Maritime Zones of the Signatory Countries

1. It shall be the function of each signatory country to supervise and control the exploitation of the resources in its maritime zone by the use of such organs and means as it considers necessary.

2. The supervision and control referred to in section 1 shall be exercised by each country exclusively in the waters under its jurisdiction. Nevertheless, the ships or aircraft of a signatory country may enter the maritime zone of another signatory country, without requiring special authorization, in any case in which that other country expressly requests its co-operation.

3. The ships or aircraft of each of the signatory countries shall report to the authority designated in every such country the fullest particulars concerning the position, identification and occupation of the fishing or hunting vessels sighted by them in the course of their patrols. Any messages transmitted by telecommunications for this purpose shall be exempt from charges, dues and taxes. Each country shall make regulations for the purpose of giving effect to these provisions.

4. With a view to making supervision more effective, the technical agencies shall establish a rapid and efficient system for the exchange of information among the signatory countries.

5. Any person shall be empowered to report to the competent maritime authorities the presence of vessels engaged in the clandestine exploitation of maritime resources within the maritime zone.

6. The consuls of the signatory countries shall keep their Governments constantly informed of the preparation, departure, passage, arrival and provisioning of, and other particulars relating to all the whaling or fishing expeditions which leave or pass through the ports where the said consuls are stationed and the real or apparent destination of which is the waters of the South Pacific.

7. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(d) Agreement relating to the Issue of Permits for the Exploitation of the Maritime Resources of the South Pacific

1. It shall not be lawful for any person, whether an individual or body corporate to engage in hunting or fishing, the extraction of vegetable products or in any other form of exploitation of resources existing in the waters of the South Pacific within the maritime zone, unless that person has first obtained the required permit.

2. The issue of permits authorizing foreign vessels not employed by national companies to operate in the maritime zone shall be governed by the terms of this Agreement and shall be contingent upon a favourable report by the technical agencies of each country.

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1 Ibid., pp. 280 et seq. Translation by the Secretariat of the United Nations.
2 Ibid., pp. 281 et seq. Translation by the Secretariat of the United Nations.
Any permit for the fishing or hunting of species which are subject to international quotas shall be issued by the countries concerned, subject, however, to strict observance of the quotas fixed by the Standing Committee at its annual meeting, or in default of such meeting, by the Secretariat with the unanimous approval of the Standing Committee.

Pelagic whaling shall not be carried on in the maritime zone under the jurisdiction or sovereignty of the signatory countries except under a permit issued by the Standing Committee, which shall prescribe the conditions governing the issue of such permits. Any such permit shall not be issued except by unanimous decision of the Standing Committee.

3. The issue of a permit binds the applicant to observe the rules relating to the conservation of the species referred to in the relevant regulations and in the orders made by the contracting countries, and also to furnish security in an amount to be determined in each particular case.

4. Each permit shall specify the nature of the operations which may be carried on, the number of the species which the holder may fish or hunt, the area of sea in which he may operate, the opening and closing dates of his operations, the port at which the inspector or inspectors responsible for supervision are to be taken on board, the amount of the fees and the security which has been determined and any other conditions considered desirable for the purpose of securing compliance with the relevant regulations, including authorization to use the telecommunications service.

5. Applicants shall state at what port in any one of the countries they intend to call for the purpose of taking on board the inspectors who will ensure compliance with the relevant regulations. The costs of the services of these inspectors shall be chargeable to the applicant, with the exception of the inspectors' salaries, which shall be paid by the Government concerned.

In the discharge of their duties, the inspectors shall see to it that all the conditions are observed and shall keep a complete record of the operations.

6. Permits for national-flag vessels, or for foreign-flag vessels employed by national companies, whether engaged in fishing or hunting, authorizing them to operate in waters within the exclusive jurisdiction of any of the countries, shall continue to be issued by the competent authority in accordance with the domestic regulations in force and in conformity with the Conventions relating to the protection of maritime resources, without prejudice to the provisions of section 2, second subsection. The issue of such authorizations shall be reported to the Secretariat for the information of all the Parties.

7. Draft administrative and other regulations necessary for the proper application of this Agreement shall be prepared by the Secretariat within six months. The draft or drafts shall be submitted to the Standing Committee for approval but may be applied provisionally until that approval has been obtained.

8. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.
(e) **Agreement relating to the Regular Annual Meeting of the Standing Committee**

1. The Standing Committee shall meet annually at an appropriate date to determine the quota of sperm whales which may be hunted by foreign pelagic whaling expeditions during the whaling season from 1 July to 30 June of the following year.

2. At the said meeting the Standing Committee shall also determine the amount of the fees chargeable during the year for the issue of permits to foreign pelagic whaling expeditions. The Standing Committee shall deposit the proceeds of those fees, which are the joint property of the signatory countries, in a single bank, and shall apply them to the exclusive purpose of establishing such marine biology stations as may be necessary, first preference being given to the establishment of one such station at an appropriate point in the Galápagos Islands, other stations being established later at suitable points in the South Pacific. After this first need has been satisfied, the balance shall be applied to the purpose of promoting studies and research the object of which is to improve the production, conservation, and utilization of the maritime resources of the South Pacific.

3. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

(f) **Agreement relating to a Special Maritime Frontier Zone**

1. A special zone is hereby established, at a distance of 12 miles from the coast, extending to a breadth of 10 nautical miles on either side of the parallel which constitutes the maritime boundary between the two countries.

2. The accidental presence in the said zone of a vessel of either of the adjacent countries, which is a vessel of the nature described in the paragraph.
3. Fishing or hunting within the zone of 12 nautical miles from the coast shall be reserved exclusively to the nationals of each country.

4. All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

... Interpretaion of the Provisions of the Agreements

At the request of the representative plenipotentiary of Ecuador, it is hereby stated that each signatory State shall be responsible for the organization and operation of the marine biology stations referred to in Article 2 of the Agreement Relating to the Regular Annual Meeting of the Standing Committee and shall maintain such contact with the Standing Committee as is necessary for the purposes of co-ordinated research.

Likewise, with respect to the Agreement Relating to a Special Maritime Frontier Zone, it is hereby stated that the authorities of the country whose maritime frontier is alleged to have been violated have exclusive competence to construe the expression "accidental presence" as used in Article 2 of the said Agreement.

Chapter II

BILATERAL TREATIES

1) **Convention 1 between the United States of America and Great Britain respecting fisheries, boundary and the restoration of slaves, concluded 20 October 1818**

**Article 1.** Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; Provided however, that the American fishermen shall be admitted to enter such bays and harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

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2 Ratified.
2) Traité 1 de commerce, de navigation et d’amitié entre la Russie, la Suède et la Norvège, signé le 8 mai 1838 2

Article 1er. Les bâtiments suédois et norvégiens, ainsi que les bâtiments russes et finlandais, seront traités dans les ports respectifs des deux hautes puissances contractantes, tant à leur entrée qu’à leur sortie, à l’égal des nationaux pour les droits de port, de tonnage, de fanaux, de pilotage et de sauvetage, ainsi que pour tout autre droit ou imposition payable, soit à la couronne, soit aux villes ou à des établissements particuliers quelconques, à quel titre et sous quel dénomination que ce soit. Il est convenu que ces dispositions s’étendent aux droits de navigation par les canaux de Gothic et de Trollhatta.

Les dispositions ci-dessus sont applicables indistinctement à toutes les embarcations et à tous les bâtiments marchands chargés ou sur leur lest, quelles qu’en soient la capacité et la construction.

3) Convention between Great Britain and France, for defining and regulating the limits of the exclusive right of the oyster and other fishery on the coasts of Great Britain and of France, signed at Paris, 2 August 1839 3 4

Article 1. 5 It is agreed, that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties, as defining the limits between which and the French shore, the oyster fishery shall be reserved exclusively to French subjects; and these lines are as follows, that is to say:

(See treaty no. 3 (b) below.)

Article 2. The oyster fishery within 3 miles of the island of Jersey, calculated from low-water mark, shall be reserved exclusively to British subjects.

Article 3. The oyster fishery outside of the limits within which that fishery is exclusively reserved to British and French subjects, respectively, as stipulated in the preceding articles, shall be common to the subjects of both countries.

Article 4. Between sunset and the ensuing sunrise, the subjects of both countries, respectively, shall be prohibited from dredging for oysters between the coast of Jersey and the coast of France, from Cape Carteret to Point Meinga.

Article 5. Inasmuch as the law of France requires that all French fishing-boats shall be marked and numbered, it is hereby agreed that all British fishing-boats dredging for oysters between Jersey and the coast of France, shall also be marked and numbered.

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1 Martens, Nouveau Recueil général de Traités, t. XV, p. 580 et suiv.
2 Ratifié.
4 Ratifié.
5 Paragraphs 2 and following of this article have been modified by the Agreement of 20 December 1928 (see infra, Treaty No. 3(b)).
Article 6. All British boats, employed in the said oyster fishery, shall be registered at the office of the Inspector of Fisheries in the island of Jersey; and the entry of each boat on the register shall state the number, description, and tonnage of such boat, and also the name of its owner. This entry must be repeated every year, on or before the commencement of the fishing season.

Article 7. The right of shelter in the islands of Chausey shall be granted to English fishermen on account of damage, or of evident bad weather.

Article 8. Whenever the fishing-boats of either of the two nations shall be carried within the limits established for the fishery of the other country, by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew; or whenever they shall have passed within those limits in working back to regain their fishing-ground, the master shall be bound immediately to hoist a blue flag of 2 feet long, and 3 feet broad, and to keep that flag at the mast-head, so long as they shall remain within the said limits.

The cruisers of each nation shall exercise their judgment as to the causes of such trespassings; and when they shall be satisfied that the said fishing-boats have neither dredged nor fished within the limits above-mentioned, the aforesaid cruisers shall not detain either the boats or the crews, nor use any measures of severity towards the latter.

Article 9. The subjects of Her Britannick Majesty shall enjoy the exclusive right of fishery within the distance of 3 miles from low water mark, along the whole extent of the coasts of the British Islands; and the subjects of the King of the French shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark, along the whole extent of the coasts of France; it being understood, that upon that part of the coast of France which lies between Cape Carteret and Point Meinga, French subjects shall enjoy the exclusive right of all kinds of fishery within the limits assigned in Article 1 of this Convention, for the French oyster fishery.

It is equally agreed, that the distance of 3 miles fixed as the general limit for the exclusive right of fishery upon the coasts of the 2 countries, shall, with respect to bays, the mouths of which do not exceed 10 miles in width, be measured from a straight line drawn from headland to headland.

Article 10. It is agreed and understood, that the miles mentioned in the present Convention, are geographical miles, whereof 60 make a degree of latitude.

(a) Regulations 1 for the guidance of the fishermen of Great Britain and of France, in the seas lying between the coasts of the two countries, signed at London, 24 May 1843 2

Article 1. British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland, and those of the Kingdom of France, shall conform to the following regulations.

1 Ibid., 1842-1843, vol. 31, pp. 165 et seq.; French text, ibid.
2 Prepared in pursuance of the Provisions of the 11th Article of the Convention concluded at Paris on 2 August 1839 (see supra). These Regulations have been approved by the Declaration between Great Britain and France signed at London 23 June 1843 (British and Foreign State Papers, 1842-1843, vol. 31, pp. 190-191).
Article 2. The limits, within which the general right of fishery is exclusively reserved to the subjects of the 2 kingdoms respectively, are fixed, (with the exception of those in Granville Bay) at 3 miles distance from low water-mark.

With respect to bays, the mouths of which do not exceed 10 miles in width, the 3-mile distance is measured from a straight line drawn from headland to headland.

Article 3. The miles mentioned in the present regulations are geographical miles, of which 60 make a degree of latitude.

Article 4. The fishery limits of Granville Bay, established upon special principles, are defined in the 1st Article of the Convention of August 2nd, 1839, as follows:

The lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the Convention, are acknowledged as defining the limits between which and the French shore, the oyster fishery shall be reserved exclusively to French subjects; and these lines are as follows, that is to say:

(See Treaty No. 3 (b) below.)

Article 5. It is forbidden to British fishermen to set their nets, or to fish in any manner whatsoever, within the French limits; and it is equally forbidden to French fishermen to set their nets, or to fish in any manner whatsoever within the British limits.

Article 85. The fishing boats of the one country shall not approach nearer to any part of the coasts of the other country, than the limit of 3 miles, specified in Article IX of the Convention signed at Paris on the 2nd of August, 1839, except under the following circumstances:

1. When driven by stress of weather, or by evident damage, to seek shelter in the harbours, or within the fishery limits of the other country.

2. When carried within the limits established for the fishery of the other country, by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew.

3. When obliged, by contrary winds or tide, to beat up in order to reach their fishing ground; and when, from the same cause of contrary wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When, during the herring fishing season, the herring fishing boats of the one country shall find it expedient to anchor under shelter of the coasts of the other country, in order to await a favourable opportunity for proceeding to their lawful fishery outside of the limits defined by Article IX of the Convention of August 2, 1839.

Article 86. Whenever, in any of the cases of exception, specified in the preceding Article, the fishing boats of either nation shall have occasion to

1 Paragraphs 3 and following of this article have been modified by the Agreement of 20 December 1928 (see infra, treaty No. 3(b)).
sail or anchor within the limits defined by the Convention of August 2nd, 
1839, the masters of such boats shall immediately hoist a blue flag, 2 feet 
high and 3 feet long, and shall keep this flag flying at the mast-head so 
long as they shall remain within the said limits. Consequently, this flag 
shall not be hauled down until the boats are actually outside of those limits. 
These boats, when within the aforesaid limits, are not only prohibited 
from fishing themselves, but are also forbidden to send their small boats to 
fish, even outside of the limits in question. They must all (with the excep-
tion of herring boats which may be waiting, as they have the privilege of 
doing, for a favourable opportunity to proceed to their lawful fishery) 
return outside of the said limits, so soon as the causes shall have ceased 
which obliged them to come in under the cases of exception specified.

It is further agreed, conformably to the tenor of the present regulations, 
that the fishing boats of the one country shall not use the ports of the other 
country for the greater convenience of their fishery operations, either in 
proceeding from thence to their lawful fishery in the seas common to both, 
or in returning thereunto after fishing; it being understood, however, that 
this stipulation does not in any manner impair the right of putting into port 
in the cases of exception specified in Article 85.

(b) Agreement between His Majesty’s Governments in the United 
Kingdom and the Irish Free State and the French Government, 
regarding the limits of French fisheries in Granville Bay, 
signed at London, 20 December 1928

Considering that since the time of conclusion of the Anglo-French Conven-
tion of the 2nd August, 1839, and the Regulations of the 24th May, 1843, 
concerning the fisheries in the waters situated between the coast of France 
and the coasts of Great Britain and Northern Ireland and of the Irish Free 
State changes have occurred in the condition of the places in which are 
situated the marks used to define the limiting line of the zone reserved for 
French fishers in Granville Bay.

Considering that, in consequence, it is necessary to redefine the bearings 
employed to determine the various salient points of this limiting line.

Have agreed to substitute for article 1 (paragraphs 2 and following) of 
the Convention of the 2nd August, 1839, and for article 4 (paragraphs 3 
and following) of the Regulations of the 24th May, 1843, the subjoined text:

"The first line runs in a true north direction starting from the point A 
situated 3 miles from low-water mark, Meinga point being situated south 
of it, as far as the point B, the marks for which are Meinga point bearing 
south, Chausey lighthouse in line with the semaphore and Montmartin 
bellry north 78° east;

"The second line runs from the said point B in the direction north 
61° east as far as the point C situated in the vicinity of the Ardentes 
buoy and defined by the three following bearings:

"Montmartin bellry north 83° east, Chausey semaphore in line with 
the Enseigne black-and-white tower, and Roc light-house (at Granville) 
in line with the Canuettes tower (in the Chausey isles);"

2 Entered into force 20 January 1929.
Starting from the point C, the third line runs in the direction north 83° east, heading for Montmartin belfry, as far as the point D defined by the following bearings: the Etat tower in line with that of the Huguenans, Coutances cathedral in line with Rouquet tower, and Chaussey chapel in line with the right side of the Sollière;

The fourth line runs from the point D along the bearing formed by the Etat tower in line with that of the Huguenans until it reaches the intersection E (the Marie shoal buoy, on which is the letter E) of that line by the bearing Agon belfry in line with Coutances belfry;

The fifth line follows the line of bearing Agon belfry in line with Coutances belfry, starting from the point E, as far as the point F, indicated by a buoy marked 'F Internationale' and defined by the following bearings: Coutances belfry in line with Agon belfry, Pirou belfry in line with Senéquet lighthouse, and Champeaux point in line with Point du Roc;

The sixth line, starting from the point F, runs true north as far as the point G, of which the marks are: Blainville belfry in line with Senéquet lighthouse and the Bouefs black-and-red tower bearing west;

The seventh line runs from the point G in the direction north 53° east, heading for Pirou belfry, as far as the point H, defined by the bearings Pirou belfry bearing north 53° east, Senéquet lighthouse bearing south, and Carteret lighthouse bearing north 21.5° west;

The eighth line runs from the point H in the direction north 22° west, heading for the seaward extremity of Cape Carteret, as far as the point I, defined by the following bearings: Pirou belfry in line with St. Germain semaphore, the house on the top of Rond Nez point (Jersey) in line with the summit of Maîtrise Isle in the Ecréhous group, and Port Bail belfry bearing north 62° east;

The ninth line runs from the point I in the direction north 55° west as far as the point K (the Trois Grunes buoy), of which the marks are Mount Orgueil Castle (Jersey) in line with the Vieille des Écréhous rock and the summit of Cape Carteret in line with the semaphore.

The bearings specified in the present article are to be taken as referring to the true meridian and not to the magnetic meridian.

The present declaration shall come into force on the 20th January, 1929. It shall be incorporated with the said articles of the Convention of the 2nd August 1839, and of the Regulations of the 24th May 1843, enacted to carry that Convention into effect.

c) Agreement 1 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic regarding rights of fishery in areas of the Écréhous and Minquiers, signed at London, 30 January 1951 2

Article I. Subject to the provisions of Articles II, III and IV of the present Agreement, the 1839 Convention shall, as between the Contracting

2 Came into force on 24 September 1951.
Parties, be interpreted as conferring on British nationals and French nationals equal rights of fishery in the whole area between the limit of three miles calculated from low-water mark on the coast of the island of Jersey and the limit within which the exclusive right of fishing is reserved to French nationals by the 1839 Convention as redefined by the Declaration between the United Kingdom and the Irish Free State and France regarding the limits of French Fisheries in Granville Bay signed on 20th December, 1928.

**Article II.** (a) The Contracting Party, which is held to have sovereignty over the Maitresse Ile in the Ecrehos group, shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone A) having a radius of one-third of a mile and centred on the beacon situated in the middle of that island, subject to the exceptions set out in paragraph (b) of this Article.

(b)-(i) The whole of the two isolated rocks which lie between the Colombier and the Maitresse Ile shall be included within Zone A.

(ii) The whole of the island of Marmotier together with the rocks at the southernmost extremity thereof, the isolated rock which lies to the south-westward of the island and the whole of the Bigorne Bank shall be excluded from Zone A.

**Article III.** (a) The Contracting Party, which is held to have sovereignty over the Maitresse Ile in the Minquiers group, shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone B) having a radius of one half mile and centred on the point where the flagstaff situated on the northern part of the island stood on 24th July, 1950, subject to the exceptions set out in paragraph (b) of this Article.

(b)-(i) The whole of the group of rocks known as the “Rocher du Sud” (but not the “Rocher du Sud Bas”) shall be included within Zone B.

(ii) The whole of the Red Fourchi Bank shall be excluded from Zone B.

**Article IV.** (a) If it is held that the United Kingdom has sovereignty over the Pipette rocks, the Government of the United Kingdom shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone C) having a radius of one half mile and centred on the Pipette Beacon erected on the rock which on French chart No. 4599 bears the mark 13.3. It is, however, agreed that Zone C shall include the whole of the group of rocks known as “La Carrée”.

(b) If it is held that France has sovereignty over the rocks known as the Maisons, the Government of the French Republic shall have the right to grant fishing concessions within a zone (hereinafter referred to as Zone D) having a radius of one half mile and centred on the Maisons Beacon erected on the rock which on French chart No. 4599 bears the mark 20. It is, however, agreed that Zone D shall include the whole of the group of rocks known as “La Vision”.

**Article V.** (a) In the present Agreement, the word “mile” means a sea-mile equal to one minute of latitude.

(b) For the purpose of the application of Articles II, III and IV, the area of the rocks and banks, to be included in or excluded from Zones A, B, C and D, shall be the area which is uncovered at the lowest low-water.
The limits of Zones A, B, C and D shall be as shown on the two charts annexed to the present Agreement. If there should be any discrepancy between the limits as shown on the charts and as described in Articles II, III and IV, the limits shown on the charts shall prevail.

**Article VI.** (a). Concessions granted in accordance with the present Agreement shall—

(i) Cover areas adjoining land which is above water at all states of the tide;
(ii) Be clearly defined as regards the area to be covered, which, where practicable, shall be clearly marked;
(iii) Be used bona fide for the purposes of fishing, or breeding or conserving fish, including crustaceans and shell-fish.

(b) Such concessions shall be granted by the Government of the United Kingdom to British nationals only and by the Government of the French Republic to French nationals only.

c) The nationals of one Contracting Party shall be prohibited from fishing within the limits of any concession granted by the other. Such prohibition shall apply to all types of fishing, including oyster fishing, within the limits of the concession.

d) The Contracting Party granting a concession shall give notice thereof to the other Contracting Party and the prohibition mentioned in paragraph (c) of this Article shall take effect three months after receipt of the notification by the latter.

e) Concessions granted in accordance with the present Agreement shall not interfere with—

(i) Freedom of access for boats belonging to nationals of either Contracting Party to the anchorage on the north side of the Maitresse Ile in the Ecrehos and the anchorage on the east side of the Maitresse Ile in the Minquiers;
(ii) Freedom of access for such boats to the disembarkation points at those anchorages.

**Article VII.** For the purposes of the present Agreement:

(a) The expression "British nationals" means—

(i) Physical persons who are British subjects or British-protected persons, and
(ii) Juridical persons incorporated under the laws in force in the United Kingdom or in any territory for whose international relations the Government of the United Kingdom is responsible.

(b) The expression "French nationals" means, physical or juridical persons who are nationals of the French Republic or of countries or territories for whose international relations the French Republic is responsible.
Article 5. The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell"; of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and

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1 Treaties and Conventions between the United States and Other Powers, 1706-1909, vol. 1, pp. 1107 et seq.
2 Ratified.
3 This article was amended by Article 1 of the treaty of 30 December 1853 (see infra, Treaty No. 5).
shall have the same force as if it were inserted therein. The two Govern-
ments will amicably agree regarding what may be necessary to these persons,
and also as to their respective escorts, should such be necessary.
The boundary line established by this article shall be religiously respected
by each of the two republics, and no change shall ever be made therein,
except by the express and free consent of both nations, lawfully given by
the General Government of each, in conformity with its own constitution.

5) Treaty ¹ between Mexico and the United States, 30 December
1853 ²

Article 1. The Mexican Republic agrees to designate the following as her
true limits with the United States for the future, Retaining the same
dividing line between the two California’s, as already defined and established
according to the 5th Article of the Treaty of Guadalupe Hidalgo, the limits
between the Two Republics shall be as follows: Beginning in the Gulf of
Mexico, three leagues from land, opposite the mouth of the Rio Grande as
provided in the fifth article of the Treaty of Guadalupe Hidalgo, thence as
defined in the said article, up the middle of that river to the point where
the parallel of 31°47' north latitude crosses the same, thence due west one
hundred miles, thence south to the parallel of 31°20' north latitude, thence
along the said parallel of 31°20' to the 111th meridian of longitude west of
Greenwich, thence in a straight line to a point on the Colorado river twenty
English miles below the junction of the Gila and Colorado rivers, thence
up the middle of the said river Colorado until it intersects the present line
between the United States and Mexico.

For the performance of this portion of the Treaty each of the two Govern-
ments shall nominate one Commissioner to the end that, by common
consent, the two thus nominated having met in the City of Paso del Norte,
three months after the exchange of the ratifications of this Treaty may pro-
cceed to survey and mark out upon the land the dividing line stipulated
by this article, where it shall not have already been surveyed and established
by the Mixed Commission according to the Treaty of Guadalupe keeping
a Journal and making proper plans of their operations. For this purpose
if they should judge it necessary. The contracting Parties shall be at
liberty each to unite to its respective Commissioner Scientific or other
assistants, such as Astronomers and Surveyors whose concurrence shall not
be considered necessary for the settlement and ratification of a true line
of division between the two Republics; that line shall be alone established
upon which the Commissioners may fix, their consent in this particular
being considered decisive and an integral part of this Treaty, without
necessity of ulterior ratification or approval, and without room for inter-
pretation of any kind by either of the Parties contracting.
The dividing line thus established shall in all time be faithfully respected
by the two Governments without any variation therein, unless of the express
and free consent of the two, given in conformity to the principles of the Law
of Nations, and in accordance with the Constitution of each country
respectively.

¹ Miller, Treaties and Other International Acts of the United States of America,
1852-1855, vol. 6, Documents 152-172, pp. 292 et seq.
² Ratified.
In consequence, the stipulation in the 5th Article of the Treaty of Guadalupe upon the Boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

6) Treaty of Friendship, Commerce, Navigation and Extradition between Portugal and Bolivia, signed at La Paz, 10 May 1879.

Article 5. There shall be full and perfect liberty of commerce and navigation between the subjects of His Majesty the King of Portugal and the citizens of the Republic of Bolivia.

Portuguese subjects shall freely enter, together with their ships and cargoes, any rivers, canals, ports, inlets, and any other places that are already, or may hereafter be, opened to foreign trade on the part of the Government of the Republic of Bolivia, both on their sea-coast and in their navigable rivers; and the citizens of the Republic of Bolivia shall likewise freely enter, together with their ships and cargoes, any rivers, canals, ports, inlets, and any other places in the territories of Portugal, in which foreign trade is already or may hereafter be allowed.

Article 8. Portuguese ships on their entrance into or departure from the ports of the Republic of Bolivia, and Bolivian ships on their entrance into or departure from the ports of the Kingdom of Portugal, shall not be subject to any other or higher tonnage, lighthouse, port, quarantine dues (or of any other kind), being incidental on the hull or gear of ships, than those paid under similar circumstances by vessels under the national flag.

Article 13. The subjects or citizens of the two States who may be compelled to seek refuge or asylum with their ships in any rivers, ports, or places within the territory of the other, by reason of storms or of persecution by pirates or enemies, or in consequence of any damage to the hulls or gear of their vessels, or on account of their running short of water, coal, or provisions, shall be favourably received, and the assistance and protection of which they may stand in need shall be rendered unto them in order to repair their vessels and to take in provisions, so as to enable them to proceed on their voyage without any obstacle or hindrance, and without being called upon to pay any duties or taxes.

Should the vessel, however, after being duly repaired, and after the removal of any obstacles which may have prevented her going to sea, stay in port more than 48 hours, she shall be liable to pay the port dues and other imposts, as imposed by the laws and regulations in force.

Article 14. Vessels of war are exempt from the payment of any transit or ports dues, their course cannot be delayed under any pretext, and they shall enjoy at all places and ports, where communication with the shore is

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1 British and Foreign State Papers, 1878-1879, vol. 70, pp. 858 et seq.

2 Ratified.
allowed, all the other exemptions, honours, and favours which are generally in use among civilized nations; nevertheless they shall be bound to comply with the regulations in force in the two countries.

Article 15. The two High Contracting Parties, being desirous of promoting and facilitating steam navigation between the ports of the two countries, will accord to the Portuguese and Bolivian lines of steamers engaged in the conveyance of passengers and cargo between their respective ports, any favours, privileges, and immunities which they may have already or may hereafter accord to any other line of steam navigation, with the exception of any special subventions granted to any Company on special grounds.

Article 16. The coasting navigation is not comprised in the stipulations of this Treaty, but it will be subject, where it may be allowed, to the special laws and regulations in force in the respective countries.

7) Traité 1 de navigation entre la France, la Suède et la Norvège, signé à Paris, le 30 décembre 1881 2

Article 1er. Il y aura pleine et entière liberté de commerce et de navigation entre les nationaux des Hautes Parties contractantes; ils ne payeront pas, à raison de leur commerce ou de leur industrie, dans les ports, villes ou lieux quelconques des États respectifs, soit qu’ils s’y établissent, soit qu’ils y résident temporairement, de droits, taxes ou impôts, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui se percevront sur les nationaux; et les privilèges, immunités ou autres faveurs quelconques dont jouissent, en matière de commerce, d’industrie ou de navigation, les nationaux de l’un des États contractants, seront communs à ceux de l’autre.

Article 2. Les navires français, chargés ou non, ainsi que leurs cargaisons, en Suède ou en Norvège, et les navires suédois et norvégiens, chargés ou non, ainsi que leurs cargaisons, en France ou en Algérie, à leur arrivée d’un port quelconque et quel que soit le lieu d’origine ou de destination de leurs cargaisons, jouiront, sous tous les rapports, à l’entrée, pendant leur séjour et à la sortie, du même traitement que les navires nationaux et leurs cargaisons.

Il est fait exception à la disposition qui précède pour le cabotage, dont le régime demeure soumis aux lois respectives des Pays contractants.

Il est, d’ailleurs, convenu que les navires des nations respectives naviguant au cabotage seront traités, de part et d’autre, sur le même pied que les navires des nations les plus favorisées.

Article 3. Seront complètement affranchis des droits de tonnage et d’expédition dans les ports respectifs:

1. Les navires qui, entrés sur lest, de quelque lieu que ce soit, en sortiront sur lest;

2. Les navires qui, passant d’un port de l’un des États respectifs dans un ou plusieurs ports du même État, soit pour y déposer tout ou partie de leur cargaison, soit pour y composer ou pour y compléter leur chargement, justifieront avoir déjà acquitté ces droits;

1 Martens, Nouveau Recueil général de Traités, 2e série, t. IX, p. 193 et suiv.
2 Ratifié.
3. Les navires qui, entrés avec chargement dans un port, soit volontairement, soit en relâche forcée, en sortiront sans avoir fait aucune opération de commerce.

Ne seront pas considérés, en cas de relâche forcée, comme opération de commerce: le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire, en cas d'in­navigabilité du premier, les dépenses nécessaires au ravitaillement des équipages et la vente des marchandises avariées, lorsque l'administration des douanes en aura donné l'autorisation.

*Article 4.* Les deux Hautes Parties contractantes se réservent la faculté de prélèver, dans leurs ports respectifs, sur les navires de l'autre Puissance, ainsi que sur les marchandises composant la cargaison de ces navires, des taxes spéciales affectées au besoin d'un service local.

Il est entendu que les taxes dont il s'agit devront, dans tous les cas, être appliquées également aux navires des Hautes Parties contractantes ou à leurs cargaisons.

En ce qui concerne le placement des navires, leur chargement ou leur déchargement dans les ports, havres, rades ou bassins, et généralement pour toutes les formalités ou dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans les États respectifs, aucun privilège, ni aucune faveur, qui ne le soit également aux navires de l'autre Puissance, la volonté des Hautes Parties contractantes étant que, sous ce rapport, les bâtiments français et les bâtiments suédois et norvégiens soient traités sur le pied d'une parfaite égalité.

*Note.* Les dispositions des articles 2, 3 et 4 de ce traité sont identiques à celles des articles 11 (par. 2 et 3), 12, 13 et 14 du traité de commerce et de navigation entre le Portugal, la Suède et la Norvège, conclu le 10 avril 1885 (Martens, *Nouveau Recueil général de Traités*, 2e série, t. XIV, p. 70). Ce traité a été ratifié.

8) *Traité de commerce et de navigation entre l'Espagne et la France suivi de plusieurs tarifs et d'une déclaration, signé à Paris, le 6 février 1882.*

*Article 2.* Les ressortissants de chacune des deux Hautes Parties contractantes auront réciproquement, au même titre que les nationaux, la faculté d'entrer avec leurs navires et chargements dans tous les ports et rivières des États, provinces et possessions de l'autre; de voyager, de résider, de s'établir partout où ils le jugeront convenable pour leurs intérêts . . .

*Article 28.* Les paquebots chargés d'un service postal et appartenant à des compagnies subventionnées par l'un des deux États ne pourront être, dans les ports de l'autre, détournés de leur destination ni être sujet à saisie-arrêt, embargo ou arrêt de prince.

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2 Ratifié.
Article 29. Les dispositions du présent Traité ne s'appliquent pas au régime du cabotage ni au régime de la pêche.
Chacune des deux Hautes Parties contractantes réserve pour ses nationaux exclusivement l'exercice de la pêche dans ses eaux territoriales.

Note. Les dispositions des articles 21, 23 et 26 de ce traité sont identiques à celles des articles 2 (par. 1), 3 et 4 (par. 3) du traité n° 7 mentionné plus haut.

9) Treaty 1 of Friendship, Commerce, and Navigation between Germany and Mexico, signed at Mexico, 5 December 1882 2

Article 2. There shall likewise be reciprocal freedom of commerce and navigation between the Contracting Parties. The subjects and citizens of each shall, in the territory of the other, have liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers to which the subjects and citizens of the most favoured nation are now or may hereafter be permitted to come. In the aforesaid place, as in all others, they shall be permitted to remain and reside, to occupy and hire houses and warehouses for the purposes of their commerce, whether wholesale or retail, and generally to enjoy the same rights, privileges, and immunities as are or may be enjoyed by the subjects and citizens of the most favoured nation, on condition of course that they submit to the Laws and Regulations of the country in which they are residing.

Article 3. The ships of war of one of the Contracting Parties shall have free and secure access in the territory of the other to all such places, ports, and rivers as are now or may hereafter be opened to the ships of war of the most favoured nation, and they shall there be treated on the same footing as the latter.

Article 4. Merchant-vessels, belonging to one of the Contracting Parties, shall, so long as they submit to the Laws and Regulations existing in the territory of the other, be permitted to carry cargo for one or more ports of such territory, and to take on board cargo there, without being called upon to pay other or higher duties, or to submit to other formalities, than the merchant-vessels of the most favoured nation are now called upon, or may hereafter be called upon, to pay or submit to.

It is to be understood that this provision does not extend to the coasting trade, which, in the respective territories of the Contracting Parties, is reserved for national vessels. But should either of the parties eventually extend the coasting trade, either partially or entirely, to one or more nations, it shall be competent for the other party to claim for its subjects or citizens whatever concessions and privileges may in this respect be extended to the subjects and citizens of the most favoured nation, so long as such other party on its side grants reciprocity in return for what it asks.

1 British and Foreign State Papers, vol. 73, 1881-1882, pp. 709 et seq.
2 Ratified.
Article 5. On entering, leaving, or remaining in the territory or ports of one of the Contracting Parties, the vessels of the other shall not be required to pay other or higher duties, or imposts levied in behalf of public functionaries, for tonnage, harbour, pilotage, lighthouse, quarantine, and salvage dues, nor any general or local dues of whatever denomination, other than those which are imposed or may hereafter be imposed on the vessels of the most favoured nation.

The registered burden of a vessel shall, as regards tonnage dues, be taken as a basis for calculating them.

With respect to the application of this and other Articles of the present Treaty, it is to be understood that, when reference is made to the ports of either of the two Contracting Parties, such ports are intended as are or may hereafter be opened for import and export trade.

Article 6. Steam-vessels belonging to either of the Contracting Parties, which perform periodical voyages between the two countries, shall in respect of arrival, dispatch, and sailing enjoy the same facilities as are or may hereafter be granted to the steam-vessels of the most favoured nation.

Article 8. In all that relates to the police of ports, to the loading and unloading of vessels, and to the custody of goods and other effects, the subjects and citizens of the Contracting Parties shall be subject to the Laws and Regulations in force in the respective territories. With regard to Mexican ports it is to be understood that by these Laws and Regulations those are intended which have already been or may hereafter be issued by the Federal Government, as well as all such enactments of local authorities as refer to sanitary matters.

The two Contracting Parties agree to consider as the limit of maritime jurisdiction on their coasts, the distance of 3 “sea leagues,” reckoned from low-water mark. Nevertheless, this stipulation shall not have effect except as regards the coast-guard and Custom-house service, and the measures for preventing contraband trade. As regards all other questions of international law it shall have no application. It is, however, to be understood that the aforesaid extension of maritime jurisdiction shall not be made applicable by one of the Contracting Parties as against the vessels of the other, unless that party shall treat in the same manner the vessels of all other nations with which it may have Treaties of Commerce and Navigation.

Article 12. If a vessel belonging to the subjects or citizens of one of the Contracting Parties should strand or be wrecked, or suffer damages on the coasts or within the jurisdiction of the other, there shall be extended to her the same amount of protection and assistance as is given under similar circumstances to national vessels. The cargo, if necessary, may be unloaded, precautionary measures being taken for the prevention of fraud, but no duties or charges of any kind shall be imposed on the goods and effects saved from the wreck, unless intended for consumption in the country.
Article 3. Seront complètement affranchis des droits de navigation, de port, de tonnage et d'expédition dans les ports respectifs:

1. Les navires qui, entrés sur lest de quelque lieu que ce soit, en repartiront sur lest;

2. Les navires qui, passant d'un port de l'un des États dans un ou plusieurs ports du même État, soit pour y déposer toute ou partie de leur cargaison, soit pour y composer ou compléter leur chargement, justifieront avoir déjà acquitté ces droits.

De même, tout bâtiment espagnol et tout bâtiment suédois ou norvégien qui sera obligé d'entrer par relâche forcée dans un des ports de l'une ou de l'autre des Hautes Parties contractantes, y sera exempt de tout droit de port ou de navigation perçu ou à percevoir au profit de l'État, si les causes qui ont rendu la relâche nécessaire, sont valables et évidentes, et pourvu qu'ils ne fassent dans le port de relâche aucune opération de commerce en chargeant ou déchargeant des marchandises; bien entendu cependant que les chargements ou déchargements qui auraient pour motif les travaux de réparation du navire ou la subsistance de l'équipage, ne seront point considérés comme des opérations de commerce qui donnent lieu au payement des droits.

Article 4. En cas de naufrage dans un endroit appartenant à l'une ou à l'autre des Hautes Parties contractantes, toutes les opérations relatives au sauvetage des bâtiments naufragés, échoués ou abandonnés, seront dirigées par les consuls dans les États respectifs. Ces bâtiments, leurs parties ou leurs débris, leurs agrès et tous les objets qui leur appartiendront, ainsi que tous les effets et marchandises qui auront été sauvés, ou leur produit, s'ils ont été vendus, comme aussi tous les papiers qui auront été trouvés à bord, seront consignés au consul ou vice-consul respectif dans le district où le naufrage aura eu lieu. Les autorités locales respectives interviendront pour maintenir l'ordre, garantir les intérêts des personnes employées au sauvetage, si elles sont étrangères aux équipages des bâtiments susdits, et assurer l'exécution des dispositions qui devront être prises pour l'entrée et pour la sortie des marchandises sauvées.

Elles devront de même, en l'absence ou jusqu'à l'arrivée des agents consulaires, prendre toutes les mesures pour la protection des individus et la conservation des objets sauvés.

Article 5. Il ne sera exigé soit du consul, soit des propriétaires ou de ceux qui y ont droit, que le payement des dépenses faites pour la conservation de la propriété; les droits de sauvetage et les frais de quarantaine seront les mêmes que ceux qui seraient également payés dans le même cas par un navire national.

Les marchandises sauvées ne seront soumises à aucun droit ou frais de douane, jusqu'au moment de leur admission pour la consommation intérieure.

1 Martens, Nouveau Recueil général de Traités, 3e série, t. IV, p. 784 et suiv.
2 Ratifié.
Dans le cas d'une réclamation légal quelconque par rapport au naufrage, aux marchandises, et aux effets naufragés, le tribunal compétent du pays où le naufrage a eu lieu sera appelé à en décider.

**Article 10.** Les paquebots chargés d'un service postal et appartenant à des compagnies subventionnées par l'un des États contractants ne peuvent être, dans les ports de l'autre, détournés de leur destination, ni être sujets à saisie-arrêt, embargo ou arrêt de prince.

Toutefois, en ce qui concerne l'application du présent article, les Hautes Parties contractantes conviennent de prendre, d'un commun accord, les dispositions nécessaires pour assurer vis-à-vis de l'administration la garantie des compagnies subventionnées relativement aux responsabilités qui pourraient être encourues tant par les capitaines de leurs paquebots que par lesdites compagnies elles-mêmes.

**Note.** Les dispositions des articles 2 et 6 de ce traité sont identiques à celles des articles 2 (par. 1) et 4 (par. 1 et 3) du traité n° 7 (supra) ainsi qu'à celles de l'article 29 du traité n° 8 (supra).

11) **Traité** 1 d’amitié, de commerce et de navigation entre l'Argentine, la Norvège et la Suède, signé à Vienne, le 17 juillet 1885.

**Article 2...**

Les citoyens et sujets des Parties contractantes pourront, en toute liberté et sûreté, se rendre avec leurs navires et cargaisons dans tous les parages, ports, et rivières de l'un ou l'autre État où il est ou serait permis d'arriver aux nationaux et aux navires et cargaisons de tout autre pays étranger. Ils pourront pénétrer sur les mêmes points, séjourner et résider dans une partie quelconque de ces territoires, y louer et y occuper des maisons et magasins pour leur résidence et leur commerce; trafiquer en produits de toute nature et en marchandises de toute sorte en se soumettant aux lois et règlements du pays, et ils jouiront en toute chose et toujours sur la même réserve de la protection la plus complète et de la plus entière sûreté.

De la même manière, les navires de guerre, les bâtiments marchands, les malles et les paquebots des Parties contractantes pourront entrer en pleine liberté et sûreté dans tous les ports, fleuves, et lieux dont l'accès est permis ou sera permis à l'avenir aux navires de guerre et aux paquebots de toute autre nation; ils pourront y pénétrer, jeter l'ancre, y séjourner et faire des réparations en s'assujettissant aux lois et usages du pays.

**Article 5.** Ne seront perçus dans aucun port de l'une des Parties contractantes, sur les bâtiments de l'autre, d'autres ni de plus forts droits de tonnage,
de phare, de port, de pilotage, de sauvetage, ou autres taxes locales, que ceux qui sont payés pour les navires nationaux.

Article 9. En tout ce qui a rapport à la police des ports, au chargement et déchargement des navires, aux mesures de sûreté pour les marchandises, valeurs, et effets divers, à l'acquisition et à la manière de disposer de la propriété, de quelle classe et dénomination qu'elle soit, par vente, donation, permutation, testament, ou par tout autre moyen quelconque, ainsi qu'à l'administration de la justice, les citoyens et sujets des Parties contractantes jouiront réciproquement des mêmes droits, privilèges, et prérogatives que les citoyens ou sujets de la nation la plus favorisée, et ils ne seront passibles, en aucun des cas susmentionnés et sous la réserve toujours de s'assujettir aux lois et règlements du pays, de droits plus forts que ceux auxquels sont soumis les citoyens ou sujets nationaux.

12) TRAITÉ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION ENTRE LE MEXIQUE, LA SUEDE ET LA NORVÈGE, SIGNÉ À MEXICO LE 29 JUILLET 1885 (MODIFIÉ PAR PROTOCOLE SIGNÉ À BRUXELLES, LE 15 DÉCEMBRE 1885)

Article 7...

Les deux Parties contractantes conviennent de considérer comme limite des mers territoriales de leurs côtes respectives pour tout ce qui se rapporte à l'application des règlements de douane et aux mesures prises pour empêcher la contrebande, une distance de trois lieues marines comptées depuis la ligne de la marée basse. Pour ce qui se rapporte à d'autres matières de droit international maritime, il est entendu que la dite extension des mers territoriales ne pourra être appliquée par l'une des Parties contractantes aux navires de l'autre, à moins de l'appliquer également aux navires des autres nations avec lesquelles Elle aurait des traités de commerce et de navigation.

Il est stipulé, en outre, que les navires marchands des Parties contractantes se soumettront respectivement à la juridiction du pays dans les ports, rades, baies, anes, et eaux territoriales duquel ils se trouvent, pour ce qui concerne les crimes, délits ou infractions commis à bord par un individu qui n'appartient pas à l'équipage, ou contre un individu qui n'y appartient pas, ou bien par les gens de l'équipage entre eux, dans le cas où la tranquillité du port aurait été troublée.

En dehors de ces circonstances, les fautes de discipline, les délits et les crimes commis à bord seront jugés exclusivement par l'État auquel appartient le navire, sans que les autorités locales aient à s'ingérer dans ces affaires, à moins cependant qu'on ne leur demande aide et protection.

Article 14. Les navires de guerre de chacune des Parties contractantes seront libres d'entrer sans obstacle dans les ports, rivières et localités de

1 Martens, Nouveau Recueil général de Traités, 2e série, t. XIII, p. 681 et suiv.
2 Les ratifications ont été échangées.
l'autre, où l'entrée est permise ou serait permise à l'avenir aux navires de
guerre de toute autre nation.
Il est entendu, néanmoins, que cette stipulation n'autorise pas le séjour
d'escadres de l'une des Parties contractantes dans les eaux de l'autre, sans
permission spéciale, qui pourra être accordée ou refusée selon qu'il sera
jugé convenable.
Il est également convenu que l'on considérera les navires de guerre de
ehune des Hautes Parties contractantes comme étant exempts de la
juridiction de l'autre, lors même qu'ils se trouvaient dans ses eaux terri-
toriales, mais ils sont obligés de respecter les ordonnances locales des ports,
les règlements fiscaux et les mesures de police sanitaire.

Note. Les dispositions des articles 3, 4 et 7 (par. 1) de ce traité sont
identiques à celles des articles 4, 5 et 8 (par. 1) du traité n° 9 mentionné
plus haut.

13) Treaty 1 of Friendship, Commerce and Navigation between
Great Britain and the Oriental Republic of the Uruguay,
signed at Montevideo, 13 November 1885 2

Article 3. British ships and their cargoes shall, in Uruguay, and Ur-
guayan vessels and their cargoes shall, in the dominions and possessions
of Her Britannic Majesty, from whatever place arriving and whatever may
be the place of origin or destination of their cargoes, be treated in every
respect as national ships and their cargoes.
The preceding stipulation applies to local treatment, dues, and charges
in the ports, basins, docks, roadsteads, harbours, and rivers of the two
countries, pilotage, and generally to all matters connected with navigation.
Every favour or exemption in these respects, or any other privilege in
matters of navigation, which either of the Contracting Parties shall grant
to a third Power shall be extended immediately and unconditionally to
the other Party.
All vessels which according to British law are to be deemed British vessels,
and all vessels which according to the law of Uruguay are to be deemed
Uruguayan vessels, shall, for the purpose of this Treaty, be respectively
deemed British, or Uruguayan vessels.
The coasting trade is excepted from the stipulations of the present Treaty,
and remains subject to the respective laws of the two countries.

Article 12. Any ship of war or merchant-vessel of either of the Contrac-
ting Parties which may be compelled, by stress of weather or by accident,
to take shelter in a port of the other, shall be at liberty to refit therein,
to procure all necessary stores, and to continue their voyage, without
paying any dues other than such as would be payable in a similar case by
a vessel of the most favoured nation ...

1 British and Foreign State Papers, vol. 76, 1884-1885, pp. 146 et seq.
2 Ratified.
Article 15...

Les parties contractantes sont convenues de considérer comme limite de la souveraineté territoriale sur leurs côtes respectives la distance de 20 kilomètres à compter de la ligne de la marée la plus basse.

Toutefois, cette règle sera seulement appliquée pour l'exercice du contrôle de la douane, pour l'exécution des ordonnances de la douane, et pour les prescriptions contre la contrebande, et ne sera, par contre, nullement appliquée dans toutes les autres questions de droit maritime international.

Il est également entendu que chacune des parties contractantes ne fera application de ladite étendue de la limite de la souveraineté aux navires de l'autre partie contractante que si cette partie contractante en agit de même envers les navires des autres nations avec lesquelles elle a des traités de commerce et de navigation.

Article 16. Les navires français venant dans les ports des États-Unis du Mexique et les navires mexicains venant dans les ports de France avec chargement ou sur lest, ne payeront d'autres ni de plus forts droits de tonnage, de port, de phare, de pilotage, de quarantaine ou autres affectant la coque du navire, que ceux auxquels sont ou seraient assujettis les navires de la nation la plus favorisée.

En ce qui concerne le traitement local, le placement des navires, leur chargement ou déchargement, ainsi que les charges quelconques dans les ports, bassins, docks, rades, havres et rivières des deux pays, et généralement toutes les formalités ou dispositions auxquelles peuvent être soumises les navires de commerce, leurs équipages et leurs cargaisons, les privilèges, faveurs ou avantages qui sont ou seraient accordés aux bâtiments de la nation la plus favorisée, ainsi qu'aux marchandises importées ou exportées par ces bâtiments, seront également accordées aux navires de l'autre pays, ainsi qu'aux marchandises importées ou exportées par ces navires.

Note. Les paragraphes 1 et 2 de l'article 15 de ce traité sont identiques au paragraphe 1er de l'article 8 du traité n° 9 mentionné plus haut.

14) Traité d'amitié, de commerce et de navigation entre la France et le Mexique, signé à Mexico le 27 novembre 1886

15) Treaty of Friendship, Commerce and Navigation between Mexico and the Republic of the Equator, signed at Washington, 10 July 1888
3. Payment of import, export, and transit duties, and port dues, such as lighthouse, tonnage, anchorage, pilotage, &c.

4. To trade and sail freely with their respective ships, in the cities, ports, rivers, or other places of the respective countries.

**Article 8.** The ships of war of each of the two Republics shall enjoy the same honours, advantages, privileges, and exemptions as are enjoyed by the ships of war of the most favoured nation, but remaining subject to the same rules and conditions.

**Article 9.** The Contracting Parties agree to consider as limit of the territorial jurisdiction on their respective coasts the distance of 20 kilom., reckoned from low-water mark.

16) **TREATY OF FRIENDSHIP AND COMMERCE BETWEEN MEXICO AND JAPAN, SIGNED AT WASHINGTON, 30 OCTOBER 1888**

**Article 6.** No other or higher duties or charges on account of tonnage, light or harbor dues, pilotage, quarantine, salvage in case of damage, or any other local charges shall be imposed in any of the ports of the United Mexican States on vessels of Japan, or in any of the ports of Japan on Mexican vessels, than are or may hereafter be payable in like cases in the same ports, on vessels of the most favored nation.

**Article 8.** Japanese subjects as well as Japanese vessels resorting to Mexico or to the territorial waters thereof, shall, so long as they remain, be subject to the laws of the United Mexican States and to the jurisdiction of the Mexican Courts; and in the same manner citizens of the United Mexican States, or Mexican vessels, resorting to Japan, and to her territorial waters, shall be subject to the laws of Japan and to the jurisdiction of His Imperial Majesty’s Courts.

17) **TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND MEXICO, SIGNED AT MEXICO, 27 NOVEMBER 1888**

**Article 4.** British ships and their cargoes shall, in Mexico, and Mexican vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as ships and cargoes of the most favored nation.

The two Contracting Parties agree to consider as a limit of their territorial waters on their respective coasts, the distance of 3 marine leagues,

2 Ratified.
3 *British and Foreign State Papers*, vol. 79, 1887-1888, pp. 25 et seq.
4 Ratified.
reckoned from the line of low-water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the Customhouse Regulations and the measures for preventing smuggling, and cannot be extended to other questions of civil or criminal jurisdiction, or of international maritime law.

Article 12. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

Note. The provisions of articles 4 (para. 2, 3 and 4) of this treaty are similar to the provisions of articles 3 (para. 2, 3 and 4) of treaty no. 13 above.

18) Commercial Convention 1 between Great Britain and Egypt, signed at Cairo, 29 October 1889 2

Article 12. Each of the two Contracting Governments has the right to put into force any Regulations required for the working of their services, and for the suppression of fraud, as well as any measures dictated by reasons of public health or security, on condition that such Regulations are equally applied to the ships and subjects of all other nations.

Such Regulations, including the supervision of ships and the searching for or pursuit of contraband goods, as well as the fines and other penalties therein made applicable in case of false declaration, smuggling or attempting to smuggle, fraud or attempts to defraud, or any infringement of the Regulations, shall, together with the measures that may be taken in regard to public health or security, be applicable in either of the two countries to the natives of the other under the same conditions as to natives of the country itself.

If, however, the Egyptian authorities should desire to search the dwelling-house of a British subject, or a British ship anchored in an Egyptian port, a duplicate of the search-warrant shall be sent to the British Consular authority, who may at once take part if he thinks proper to do so, without the formality in question delaying the search, and no such search shall be made except between sunrise and sunset.

It is understood, however, that the preceding stipulation shall not apply to cases in which the search is to be made in a warehouse or depot, or on board a ship which may have remained in an Egyptian port, for any reason whatsoever, more than 21 days. In such cases notification to the British Consular authority will not be necessary.

1 Ibid., vol. 81, 1888-1889, pp. 1274 et seq.
2 In accordance with Article 16, this Convention came into force 1 January 1890.
It is further understood that the Egyptian Government may, without notification to the British Consular authorities, put guards on board any British ship in an Egyptian port or traversing the Suez Canal.

In cases of suspicion of smuggling, the Egyptian customs officers may board and seize any British ship of less than 200 tons burthen at anchor outside an Egyptian port, or sailing within 10 kilom. of the shore. Ships of less than 200 tons burthen may, moreover, be boarded and seized beyond the 10 kilom. limit, if the pursuit shall have been commenced within such limit.

Except in the cases provided for in paragraphs 3 and 4 of this Article, no British ship exceeding 200 tons burthen shall be boarded or seized by the Egyptian customs officers.

Note. The provisions of article 5 of this treaty are similar to the provisions of article 3 (paras. 1, 2, 4 and 5) of treaty no. 13 above.

The provisions of articles 5 and 12 of this treaty are similar to the provisions of articles 5 and 12 of the Conventions concluded by Egypt with: Austria-Hungary, 16 August 1890 (British and Foreign State Papers, vol. 82, p. 1109); Belgium, 24 June 1891 (ibid., vol. 84, p. 147); and Italy, 1 February 1892 (ibid., vol. 84, p. 158). All these treaties have been ratified.

19) Treaty 1 of Friendship, Commerce and Navigation between the United States of Mexico and the Dominican Republic, signed at Mexico, 29 March 1890

Article 15...

The Contracting Parties agree to consider as the limit of the territorial jurisdiction on their respective coasts the distance of 20 kilom., counted from the line of lowest tide. Nevertheless, this rule shall only be applied for the carrying out of the custom-house inspection, the observance of the Custom-house Regulations, and the prevention of smuggling; but on no account shall it apply to the other questions of international maritime law.

It is equally understood that each one of the Contracting Parties shall not apply the said extension of the limit of jurisdiction to the ships of the other Contracting Power, except when this Contracting Power proceeds in the same manner with the ships of the other nations with which it has Treaties of Commerce and Navigation.

Article 16. Mexican ships which go to the ports of the Dominican Republic, and Dominican ships which come to the ports of the United States of Mexico, with cargoes or in ballast, shall not pay other or higher charges for tonnage, port, lighthouse, pilotage, quarantine, or other dues which affect the hull of the ship, than those which are or may be imposed on the ships of the most favoured nation.

In all that concerns local treatment, the mooring of ships, their loading and discharging, as also the contributions or imposts of whatever kind, in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, and, generally, in regard to all the formalities or dispositions to which

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1 Ibid., 1889-1890, vol. 82, pp. 689 et seq.
2 Ratified.
merchant-ships, their crews and cargoes, may be subjected, the privileges, favours, and advantages which are or may be conceded to the ships of the most favoured nation, and to the merchandise imported or exported by these ships, shall be equally conceded to the ships of the other country and to the merchandise imported or exported by their ships.

**Article 17.** Complete exemption from tonnage, port, and clearance dues, but not from pilotage dues, shall be granted to—

1. Ships which, having entered in ballast, from whatever place they may come, leave in ballast also;

2. Ships which, proceeding from a port of one of the two countries to another, or to various ports of the same country, whether to discharge there the whole or part of their cargo, or to arrange for or to complete the same, prove that they have already paid these dues;

3. Steamers engaged in the mail service and in carrying passengers and their luggage, providing they do not engage in trading operations of any kind;

4. Ships which, having entered a port with cargo, whether voluntarily or through stress of weather, leave the same without having engaged in trading operations.

Nevertheless, with regard to the ships mentioned in the preceding paragraphs, the captains shall be obliged to present to the custom-house within 36 hours, counted from their admission in free pratique, a bond, approved by the said custom-house, to guarantee, together with the captain, the payment of tonnage, port, and clearance dues, in case the ships above mentioned should engage in any trading operations.

The following, in cases of vessels putting into port through stress of weather, shall not be considered as trading operations: the discharging and re-embarkation of goods for repairs to the ship, or its disinfection when in quarantine; the transhipment of the same to another ship from the inability of the first to proceed on its voyage; the necessary expenditure for taking in fresh provisions for the crew; and the sale of damaged goods, where the Custom-house authorities have given the proper authorisation.

**Article 19.** The provisions of the present Treaty are not applicable to the coasting trade, the regulation of which continues dependent on the respective laws of the two Contracting States.

**Article 24.** The ships of war of each of the two Powers shall be allowed to enter, remain in, and repair damages in those ports of the other the entrance to which may be permitted to those of the most favoured nation; they shall be subject while there to the same regulations, and shall enjoy the same honours, advantages, privileges, and exemptions which may be conceded to the latter.
20) **TREATY** ¹ **OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN AUSTRIA-HUNGARY AND COREA, WITH TRADE REGULATIONS AND PROTOCOL, SIGNED AT TOKIO, 23 JUNE 1892** ²

**Article 8.** — 1. The ships of war of each of the High Contracting Parties shall be at liberty to visit all the ports of the other. They shall enjoy every facility for procuring supplies of all kinds, or for making repairs, and shall not be subject to trade and harbour regulations, nor be liable to the payment of duties or port charges of any kind.

2. When ships of war of His Imperial and Royal Apostolic Majesty visit unopened ports in Corea, the officers and men may land, but shall not proceed into the interior unless they are provided with passports.

3. Supplies of all kinds for the use of His Imperial and Royal Apostolic Majesty’s navy may be landed at the open ports of Corea and stored in the custody of Austro-Hungarian officers without the payment of any duty; but if any such supplies are sold, the purchaser shall pay the proper duty to the Corean authorities.

4. The Corean Government will afford all the facilities in their power to ships of His Imperial and Royal Apostolic Majesty’s navy which may be engaged in making surveys in Corean waters.

21) **CONVENTION COMMERCIALE** ³ **ENTRE L’ALLEMAGNE ET L’ÉGYPTE, SIGNÉE À ALEXANDRIE, LE 19 JUILLET 1892** ⁴

**Article 1er.** Il y aura liberté réciproque de commerce et de navigation entre l’Allemagne et l’Égypte.

Les ressortissants de l’Empire d’Allemagne en Égypte et les Égyptiens en Allemagne pourront librement entrer avec leurs navires et cargaisons dans tous les endroits et ports dont l’entrée est ou sera permise aux ressortissants de la nation la plus favorisée, et ils jouiront réciproquement, en ce qui concerne le commerce et la navigation, des mêmes droits, privilèges, libertés, faveurs, immunités et franchises dont jouissent ou pourraient jouir les ressortissants de la nation la plus favorisée, sans qu’ils aient à payer de taxes ou droits plus élevés que ceux auxquels ces derniers sont assujettis.

**Article 5.** Quel que soit le port de départ des navires et quel que soit le lieu d’origine ou de destination de leur cargaison, les navires allemands en Égypte et les navires égyptiens en Allemagne jouiront, sous tous les rapports, du même traitement que les navires nationaux et les navires de la nation la plus favorisée.

Cette stipulation s’applique aux règlements locaux, aux taxes et à tous les autres droits similaires perçus à titre rémunératoire dans les ports, bassins,

¹ *Ibid.*, vol. 84, 1891-1892, pp. 120 et seq.
² Ratified.
⁴ Entrée en vigueur le 1er avril 1893, conformément à l’article 26.
docks, rades et havres des pays contractants, au pilotage, et, en général, à
tout ce qui concerne la navigation.

Tout bâtiment considéré comme allemand par la loi allemande et tout
bâtiment considéré comme égyptien par la loi égyptienne sera reconnu
comme tel par les Parties contractantes.

Le cabotage ainsi que la navigation intérieure sont exclus des stipulations
précédentes et restent soumis aux lois respectives des pays contractants.
Mais dans le cas où l'une des Parties contractantes concéderait le cabotage,
soit en entier, soit en partie, à une ou plusieurs autres nations, il sera loisible
à l'autre partie de réclamer pour ses ressortissants les droits et avantages
accordés à cet égard aux ressortissants de la nation la plus favorisée, à
condition d'accorder la réciprocité pour ce qu'elle réclame.

Article 16...

Les employés de la douane ne peuvent procéder en aucun cas à la visite
et à la perquisition des bâtiments de commerce sans en avoir donné au
préalable connaissance aux Consulats impériaux pour donner aux autorités
consulaires la faculté d'y assister. Cette notification devra être communiquée
aux fonctionnaires Consulaires à temps, et en mentionnant l'heure
où l'on procédera à ces formalités.

Dans le cas où la perquisition doit être faite à bord d'un navire qui
aurait séjourné pour une raison quelconque dans un port égyptien plus de
vingt et un jours, il ne sera pas nécessaire d'en donner, au préalable, connaissance
aux autorités consulaires.

Article 20. En cas de soupçons de contrebande, les agents des douanes
égyptiennes pourront aborder et saisir tout navire d'un tonnage de moins
de 200 tonneaux, dans un rayon de 10 kilomètres de la côte en dehors des
eaux d'un port égyptien; de plus, tout navire allemand de moins de 200
tonneaux pourra être arrêté et saisi au-delà de cette distance si la poursuite
a été commencée dans un rayon de 10 kilomètres du littoral.

Procès-verbal du fait sera dressé avec le capitaine, et copie de ce procès-
verbal sera, sans délai, communiquée au Consulat impérial.

Il est entendu que le Gouvernement égyptien pourra, sans notification
aux autorités consulaires allemandes, placer des gardes à bord de tout
navire allemand dans un port égyptien ou transitant par le canal de Suez:
cette mesure ne devra néanmoins causer ni frais ni retard aux bâtiments
auxquels elle est appliquée.

Note. Des dispositions identiques se trouvent dans les traités conclus
par l'Égypte avec : la Grèce; 9/21 mars 1895, articles 1er, 5, 16, 19 (British
and Foreign State Papers, vol. 87, p. 410); la France, 26 novembre 1902,
articles 1, 5, 16, 20 (ibid., vol. 97, p. 892); la Grèce, 22 mai/4 juin 1906,
articles 1er, 5, 16, 19 (ibid., vol. 99, p. 1044); l'Italie, 14 juillet 1906, articles
1er, 5, 16, 20 (ibid., vol. 100, p. 867), et la Russie, 28 février/13 mars 1909,
articles 1er, 5, 6, 20 (ibid., vol. 102, p. 976). Tous ces traités ont été ratifiés.
Article 19. The coast and fishery police service in both countries will be subject to the provisions contained in the Regulations (Appendix No. 6 to this Treaty).

Article 20. Either of the two High Contracting Parties will be at liberty to levy on the merchant-vessels of the other Power and on the respective cargoes any dues, as they may deem expedient, for any harbour works or Customs services. In no case, however, will the dues payable by the ships of either country in the ports of the other be higher than those paid by national vessels.

APPENDIX NO. 6. REGULATIONS FOR THE POLICE SERVICE OF THE COAST AND FISHERIES

Section 1. Provisions applicable to the Waters under the respective jurisdiction of either Country

Article 1. The following provisions will regulate the police service of the coast and fisheries in the jurisdictional waters of Portugal and Spain:

Article 2. The limit within which the general right of fishery is exclusively reserved in favour of fishermen, subject to the respective jurisdictions of the two countries, is fixed at 6 miles, reckoned from outside the low-water line of the lowest tides.

As regards bays the aperture of which is not more than 10 miles, the 6 miles may be reckoned from a straight line drawn from one point to the other.

The miles referred to are geographical miles, 60 to a degree of latitude.

Article 3. Either of the two States will have the right to regulate the fisheries on its maritime coasts respectively within the distance of 6 miles from the same, within which limit native fishermen will alone be allowed to fish.

The two States agree that the use of "parelhas", "muletas", or of other apparatus of a harmful effect, shall be prohibited within the distance of 12 miles, and either State will be at liberty to detain any offenders until the judicial record of the act shall have been drawn up; such offenders must, however, be delivered up within the term of eight days to the proper authority of the neighbouring country, in order that they may be subjected to the penalties imposed by the Laws and Regulations of their own country.

Article 4. For the intents and purposes of these Regulations the division of the territorial waters in the adjacent maritime zones of the two countries will be determined as follows:

(a) At the mouth of the Guadiana by a middle line drawn between the two meridians, respectively suggested by the Spanish and Portuguese Commissions, to which the demarcation of those waters was intrusted in 1887.

1 Ibid., vol. 85, 1892-1893, pp. 416 et seq.

Ratified.
At the mouth of the Minho, by the parallel of latitude agreed to by the said Commissions.

Article 5. The fisheries in the boundary Rivers Minho and Guadiana will continue, as heretofore, to be carried out in common by the Portuguese and Spaniards, in accordance with the provisions and regulations which may be agreed upon; for the River Minho, by the Captain of the Port of Caminha and the Marine Adjutant of Guardia; and for the River Guadiana, by the Captain of the Port of Villa Real de San Antonio and by the Adjutant of Marine of Ayamonte, and sanctioned by the respective Governments.

Article 6. The fishing vessels of either of the two countries must not approach any point of the coast of the other country at a less distance than that of 6 miles, as laid down in Article 2, except under the following circumstances, which shall be considered as cases of force majeure:

1. When on account of bad weather, or of any manifest damage, they are forced to seek shelter in the ports of the other country outside the fishery limits of their own country.

2. When carried within the limits set apart for the fishery of the other country by contrary winds, by strong currents, or by any other cause independent of the wish of the master of the vessel.

3. When compelled to tack on account of an adverse wind in order to reach their fishing-ground, and when, in consequence of the same cause, i.e., of contrary winds or tides, they are unable, without entering the zone, to proceed on their course in order to reach their fishing-ground or to return to port.

4. When it shall be absolutely necessary to enter the nearest port of the other country in order to obtain supplies.

The presence within the jurisdictional waters of either country of any floating apparatus or drag-nets belonging to fishermen of the other country shall likewise not be looked upon as a violation of the rule set forth in this Article, in the event of the same having been carried there by currents or winds; nevertheless, the owners are bound to remove them as quickly as possible.

Article 7. Whenever, on account of any of the exceptional circumstances mentioned in the preceding Article, the fishing-vessels of either nation require to navigate within the limits defined in Articles 2 and 4, they are bound to reduce sail, if circumstances allow it, and also to hoist a conventional signal.

This signal will consist of a red burgee with a yellow point for the Spanish vessels, and of a white one with a blue point for Portuguese vessels; the dimensions of this burgee will be 0.50 metre in length, and 0.15 metre in breadth.

Whenever, on account of bad weather, of manifest damage, or of the need to take in supplies, vessels are compelled to seek for shelter in port, they will at once give notice to the local maritime authority, who will examine the matter as to the circumstances of their stay.

Should that authority consider that there is a reasonable cause for their stay, the fishing-vessels will be entitled to all the facilities accorded to the vessels of the country in which they are, whether as regards procuring
supplies or for the sale of fish, on payment of the proper amount of dues, as also as regards sanitary measures.

The Customs officers shall have the right to visit the vessels as laid down in the Customs Regulations, before anything whatever is landed.

While these vessels remain within the limits above mentioned under no pretext whatever are they to fish, and they must depart from within the said limits as soon as the exceptional circumstances which gave rise to their entrance will admit of it.

Article 8. The commanding officers of any cruisers or coastguard vessels of both nations, as well as all other agents or police officers of fisheries, will inquire into infractions of the Regulations issued which may be committed within the respective fishing limits, and should they find that such infractions are not justified, they will be at liberty to detain the vessels in fault, or to cause them to be detained, and will convey them, or cause them to be conveyed, to a port of the country to which the offenders belong, in order that they may be tried before the Courts competent to take cognizance of the matter.

Section 2. Provisions applicable to the Waters adjacent to the Coasts of both Countries outside the 6-mile Zone

Article 17. Vessels are forbidden, on reaching their fishing-ground, to take up a position or to cast their fishing apparatus so as to cause harm, or to hinder in any way the vessels which may be already fishing there.

Article 18. Fishing-vessels are forbidden to anchor, from sunset to sunrise, where floating nets have been cast, except in case of any accident, or of force majeure, which must be duly proved.

Article 25. It is forbidden to make use of any instrument, apparatus, or material exclusively intended and serving for the purpose of destroying nets. The presence of such utensils or materials on board is prohibited and punishable, and either nation is bound to adopt the necessary measures in order to prevent the shipment of such articles.

The use of dynamite or any other explosive material is likewise prohibited

Article 26. The supervision and fiscal control as to compliance with the rules concerning lights, signals, muster-rolls, fishing licences, and other ships' papers, the marking and numbering of vessels engaged in the fishing trade and of the fishing appliances, and with the subject-matter of the preceding Articles, exclusively appertain to the agents of the country to which the fishermen belong. Nevertheless, the officials charged with the supervision and police of the fishing trade in both countries will be at liberty to report to the authorities of the other country any infractions that may come to their knowledge on the part of the fishermen of that other country.

Article 27. The competent vessels for recording any infractions of the rules laid down as to the place to be taken up by fishing-vessels on the fishing-ground, and generally for all things relating to these operations, and especially as regards any acts that may cause damage, irrespective of the nationality of the fishermen guilty of the same, are the cruising vessels of the two States; consequently, the commanding officers of those vessels will
inquire into any infractions committed by the fishing-vessels of the two nations, and will draw up a summary account or record of the case, and should it be of such a grave nature, and should they think it necessary to do so, they will take the delinquents and their vessels to the nearest port of their own country, in order that the case as well as the damage, if any, may be proved there, both by the declarations of the parties interested and by the evidence of any persons witnesses to the fact.

The summary account or record must be signed by two witnesses and by the offender; but should he refuse to sign, a declaration to that effect must be substituted: it will be drawn up in the language of the country to which the cruiser belongs, but the witnesses, as well as the offender, may insert in the same any declarations in their own language.

**Article 28.** In case the infraction should not have been of a grave nature, but should, nevertheless, have caused damage to any fisherman, the commanding officers of the cruisers may reconcile at sea the parties interested and may settle the amount of compensation, if the parties agree. In such a case, if one of the parties is unable to pay at once, the commanding officers will cause a declaration to be drawn up and signed in duplicate, with reference to the mode of payment of the compensation; one of these documents shall be kept on board the cruises, and the other will be handed over to the master and creditor, in order that, if needful, he may make use of it before the Courts of Justice of the debtor.

Should both parties not agree, the commanding officers will proceed in accordance with the provisions of Article 27.

**Article 29.** Whenever the fishermen of either country shall proceed to acts of violence against those of the other country, or may have wilfully caused damage or losses, the Courts of the country to which the vessels of the offenders belong will be competent to try the case.

**Section 3. General Rules**

**Article 30.** Any fishing-vessel, or any part of its tackle or rigging, apparatus, nets, buoys, or floating-buoys, as well as any fishing appliances, found or picked up at sea, within or out of the jurisdictional waters, must be forwarded to the Naval Commandant if the article is sent to Spain, or to the Captain of the Port if sent to Portugal. The Naval Commandant or the Captain of the Port, as the case may be, will deliver up the article saved to the owners or to their representatives.

**Article 31.** The proper authorities, according to the law of either country, will fix the amount of compensation to be paid by the owners to the salvors. This compensation, which may in no case exceed one-fourth of the value of the articles saved on the occasion, will be paid by the owners.

**Article 32.** Any articles saved in the 6-mile coast zone will become the property of the nation having jurisdiction there should they not be claimed, or if there should be insufficient evidence to prove the right of ownership. Any articles picked up on the high seas will become the property of the country of the salvors in the event of its being impossible to discover the owners.

**Article 33.** All penal proceedings arising out of offences or transgressions referred to in these Regulations will lapse at the expiration of six months from the date of the commission of the offence. Penal proceedings, however,
having reference to acts of violence or to any damages caused wilfully, are excepted from this rule, and come within the scope of the general law of the respective States.

**Article 34.** The 6-mile zone, as laid down in article 2, is solely applicable for the purposes of these Regulations.

**Article 35.** The supervision and police of the fisheries will be carried on by means of the ships of war of both countries.

**Article 36.** Any resistance to the orders of the officials charged with the supervision and police of the fisheries, or of their delegates, and any disobedience to any orders or demands necessary to enforce such supervision and police control, will be punishable as resistance to and disobedience of the authorities of the country to which the offenders belong.

**FINAL PROTOCOL**

**VI. With reference to Appendix No. 6**

*To Article 4 a.* It is expressly declared that the maritime line of the Guadiana shall be fixed by common agreement within the term set forth in the notes exchanged on this date between the two Plenipotentiaries, on the basis that the middle line, starting from the centre of the line of the mouth of the river, will descend in the direction of the junction of the “thalwegs” of the two bars, so that both Portugal and Spain will be able to navigate in their own waters. From this point it will follow a course to the south-west, for a distance of 6 to 12 miles, until it reaches the last of the meridians proposed by the Spanish Commissioners, and thence to the extreme point of the zones.

23) **Traité ¹ de commerce et de navigation entre le Mexique et le Salvador, signé à Mexico le 24 avril 1893 ²**

**Article 15. . . .**

Les bâtiments marchands de l’une des Parties contractantes, dès le moment de leur entrée dans les eaux territoriales de l’autre, sont soumis à la juridiction locale en tout ce qui ne concerne pas les actes de discipline intérieure ou les délits de l’équipage, toutes les fois que ceux-ci ne troublent pas la tranquillité du port. Il leur est interdit de donner asile aux individus prévenus de crimes ou de délits commis à leur bord; autrement, les autorités territoriales pourraient procéder à l’arrestation des délinquants, en observant toutes les formalités prescrites, en pareil cas, par les lois du pays.

Les navires de guerre de chacune des Hautes Parties contractantes pourront entrer et séjourner à leur gré dans les ports, rivières de l’autre, ouverts actuellement ou à l’avenir au stationnement des navires de guerre de la nation la plus favorisée; ils jouiront des exemptions et faveurs accordées à celle-ci.

Toutefois, le stationnement des escadres de l’une des parties, dans les eaux territoriales de l’autre, n’aura lieu qu’en vertu d’une autorisation

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² Ratifié.
qui pourra être accordée ou refusée, sauf les exceptions indiquées au para- graphe 2 de l'article 22.

 ARTICLE 20. Tout citoyen de l'une des Hautes Parties contractantes forcé par le gros temps ou tout autre motif à chercher un refuge avec son bâti- ment sur un des points de la côte de l'autre, devra être accueilli avec humanité, recevoir l'aide nécessaire au sauvetage de son navire et de sa cargaison, et être mis en état de se rendre au port le plus voisin, sous réserve, toutefois, du droit du sauveteur, de prendre toutes les mesures nécessaires pour prévenir la contrebande.

Tout bâtiment de l’une des Parties contractantes pourra, sur le territoire de l’autre, compléter son équipage et engager les matelots indispensables à la continuation de son voyage.

En cas de naufrage, d’échouage ou d’avarie, survenu à un bâtiment de l’une des Parties contractantes dans les eaux territoriales de l’autre, on lui accordera la même aide et protection qu’à un bâtiment national, dans des circonstances analogues.

La présente clause est applicable aux navires de guerre.

Les autorités locales sont tenues de donner aide et protection aux personnes et produits sauvés, en prenant les mesures nécessaires pour prévenir la contrebande, mais sans exiger aucun droit, sauf pour les marchandises destinées à la consommation intérieure.

 ARTICLE 21. Il est convenu entre les deux Hautes Parties contractantes que la limite de juridiction dans les eaux territoriales s’étend à 20 kilo- mètres à compter de la laisse de basse mer; cette clause n’est applicable qu’à l’exercice du droit de police, à l’exécution des ordonnances des douanes, des mesures tendant à prévenir la contrebande, et à tout ce qui concerne la sécurité du Pays; elle ne pourra jamais être invoquée dans toutes les autres questions de droit international maritime.

 ARTICLE 22. En cas de guerre entre l’une des Parties contractantes et une tierce Puissance, l’autre Partie conservera toute sa liberté d’action pour venir en aide à un des belligérants ou observer les règles des neutres; elle aura le droit, sans sortir de la neutralité, de surveiller ses frontières avec les forces militaires suffisantes pour garantir l’ordre public et les intérêts menacés par les hostilités.

De même, afin de prévenir la contrebande par mer entre les côtes et ports des Parties contractantes, particulièrement à des époques de trouble, et pour accorder à ses nationaux la protection nécessaire par l’état de guerre, chacune d’elles aura le droit, avec l’autorisation de l’autre d’envoyer des navires de guerre dans les eaux territoriales de l’autre Partie. Cette autorisation sera réglée par les principes du droit des gens. Ces bâtiments pourront entrer et séjourner dans les ports, rades, baies, rivières, anses, îles et caps, procéder au radoub, faire des vivres et se mettre en état de continuer leur route; en un mot, ils jouiront, au sens le plus large, du droit d’asile et de refuge reconnu en des cas semblables par le droit des gens. Ils devront toutefois se conformer aux lois et règlements locaux.

Les navires de guerre de chacune des Hautes Parties contractantes sont exempts du contrôle et de la juridiction de l’autre, même s’ils se trouvent
dans ses eaux territoriales; mais ils doivent se conformer aux ordonnances locales des ports, aux lois fiscales et aux mesures de police sanitaire.

24) Traité de commerce et de navigation entre le Japon, la Suède et la Norvège, signé à Stockholm le 2 mai 1896, suivi d'un Protocole additionnel signé à Saint-Pétersbourg le 1er mai 1897

Article 11. Tout vaisseau de guerre ou navire de commerce de l'une ou de l'autre des Hautes Parties contractantes qui serait forcé par un mauvais temps ou par suite de tout autre danger de s'abriter dans un port quelconque de l'autre, aura la liberté de s'y faire réparer, de s'y procurer toutes les provisions nécessaires, et de reprendre la mer, sans payer d'autres charges que celles qui seraient payées par les navires nationaux. Dans le cas, cependant, où le capitaine du navire de commerce se trouverait dans la nécessité de vendre une partie de sa cargaison pour payer les frais, il sera obligé de se conformer aux règlements et tarifs du lieu où il aurait relâché.

Si un vaisseau de guerre ou un navire de commerce de l'une des Parties contractantes a échoué ou naufragé sur les côtes de l'autre, les Autorités locales en informeront le Consul général, le Consul, le Vice-Consul ou l'Agent consulaire du lieu de l'accident, et s'il n'y existe pas de ces officiers consulaires, elles en informeront le Consul général, le Consul, le Vice-Consul ou l'Agent consulaire du district le plus voisin.

Toutes les opérations relatives au sauvetage des navires japonais naufragés ou échoués dans les eaux territoriales de Sa Majesté le Roi de Suède et de Norvège auront lieu conformément aux lois, ordonnances et règlements de la Suède et de la Norvège et, réciproquement, toutes les mesures de sauvetage relatives aux navires suédois et norvégiens naufragés ou échoués dans les eaux territoriales de Sa Majesté l'Empereur du Japon auront lieu conformément aux lois, ordonnances et règlements du Japon.

25) Treaty of Commerce and Navigation between Mexico and the Netherlands, signed at Mexico, 22 September 1897

Article 5. In all that relates to navigation the two High Contracting Parties guarantee reciprocally most-favoured-nation treatment for the vessels and cargoes of the other.

These dispositions do not apply to the privileges granted in the Dutch Colonies to the native States of the Eastern Archipelago.

1 Ibid., t. XXX, p. 3 et suiv.
2 Ratifié.
3 Par le Protocole additionnel les “Hautes Parties contractantes sont convenues que dans le texte du Traité ... l’expression “les deux pays” partout où cette expression se trouve, sera interprétée “les pays” (soit la Suède, la Norvège et le Japon). Il est en outre convenu que l’expression “le Gouvernement de Sa Majesté le Roi de Suède et de Norvège” dans ledit texte sera interprétée “Sa Majesté le Roi de Suède et de Norvège”.
4 Ibid., tome XXXIII, pp. 185 et seq.
5 Ratified.
Article 6. The High Contracting Parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of 20 kilom. reckoned from the line of low-water mark. Nevertheless this stipulation shall have no effect, except in what may relate to the observance and application of the Custom-house Regulations and the measures for preventing smuggling, and can in no way be extended to other questions of international maritime law.

Article 13. All operations respecting the salvage of Mexican vessels which may be shipwrecked on the coasts of the Netherlands shall be directed by the Mexican Consular officers, and reciprocally the Dutch Consular officers shall direct all the operations relating to the salvage of any vessels of their nation which may be wrecked or stranded on the coasts of Mexico.

The local authorities of the two countries shall only intervene for the purpose of maintaining order, guaranteeing the interests of the salvors if these do not belong to the crew of the shipwrecked vessel, and insuring the execution of the necessary measures for the entry and clearance of the merchandise saved.

During the absence and until the arrival of the Consular officer, the local authorities shall also take the necessary steps for the protection of the shipwrecked persons and the preservation of the cargo.

It is likewise agreed that the merchandise saved shall not be subject to Custom-house duties unless cleared for consumption.

Article 14. The Consular officers of the two countries may cause to be arrested, and may send on board or remit to their country, any officers, seamen or other members of the crew of a war or merchant-vessel of their nation, who may have deserted in one of the ports of the other.

For this purpose, they shall address themselves in writing to the competent local authorities, and prove, by the presentation of the original or a duly certified copy of the ship's register or of the list of the crew, or by other official documents, that the individuals claimed formed part of such crew.

On their demand being proved, they shall be given all possible assistance in searching for and arresting such deserters, who shall be detained and guarded in the public prisons of the country at the request and the expense of the Consular functionaries, until the latter find an opportunity of sending them on.

Nevertheless, if such opportunity does not present itself within the period of two months counted from the day of the arrest, the deserters shall be set at liberty and shall not be re-arrested for the same cause.

It is understood that persons who may be citizens or subjects of the nation in which the request is made, are excepted from the above stipulations.

Should the deserter have committed some offence, he shall not be placed at the disposal of the Consul until the competent Court has given a decision in the matter and until the sentence, if any, has been carried out.
26) Treaty 1 of Friendship, Commerce and Navigation between Mexico and China, signed at Washington 14 December 1899 2

Article 9. The ships of war of each of the Contracting Parties shall be admitted into the ports of the other, where those vessels of all other nations are allowed to enter, and to be treated as those of the most favoured nation. They shall have entire liberty to purchase provisions, coal, and the necessary articles for a voyage, as also to get water and have all necessary repairs made. The ships of war shall be exempt from the payment of all duties, both on their arrival and departure. The Commanders of Mexican ships of war in China and the local principal authorities shall mutually treat each other on the basis of equality.

Article 11...

The two Contracting Parties agree upon considering a distance of 3 marine leagues, measured from the line of low tide, as the limit of their territorial waters for everything relating to the vigilance and enforcement of the Custom-house Regulations and the necessary measures for the prevention of smuggling. The vessels of each of the High Contracting Parties which may have been disabled near the coast of the other and may have to seek shelter in a port, shall receive from the local authorities all the assistance which they can render.

The merchandise saved shall not be subject to the payment of duties, unless it shall be landed for the purpose of sale. Those vessels shall be treated on the same terms as are granted under similar circumstances to those of other countries.

27) Convention 3 between Great Britain and Denmark, for regulating the fisheries outside territorial waters in the ocean surrounding the Faroe Islands and Iceland, signed at London, 24 June 1901 4

Article 2. The subjects of His Majesty the King of Denmark shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark along the whole extent of the coasts of the said islands, as well as of the dependent islets, rocks, and banks. As regards bays, the distance of 3 miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed 10 miles. The present Article shall not prejudice the freedom of navigation or anchorage in territorial waters accorded to fishing boats, provided they

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1 British and Foreign State Papers, 1899-1900, vol. 92, pp. 1057 et seq.
2 Ratified.
3 Ibid., vol. 94, 1900-1901, pp. 29 et seq.
4 Ratified.
conform to the Danish Police Regulations ruling this matter, amongst
others the one stipulating that trawling vessels, while sojourning in terri-
torial waters, shall have their trawling gear stowed away in-board.

Article 3. The miles mentioned in the preceding Article are geogra-
phical miles, whereof 60 make a degree of latitude.

28) Treaty ¹ between the United States of America and the United
Kingdom to facilitate the construction of a ship canal, signed
at Washington, 18 November 1901 ²

Article III. The United States adopts, as the basis of the neutralization
of such ship canal, the following Rules, substantially as embodied in the
Convention of Constantinople, signed the 28th October, 1888, for the free
navigation of the Suez Canal, that is to say:

1. The Canal shall be free and open to the vessels of commerce and of
war of all nations observing these Rules, on terms of entire equality, so that
there shall be no discrimination against any such nation, or its citizens or
subjects, in respect of the conditions or charges of traffic, or otherwise.
Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be
exercised nor any act of hostility be committed within it. The United
States, however, shall be at liberty to maintain such military police along
the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores
in the canal except so far as may be strictly necessary; and the transit of
such vessels through the canal shall be effected with the least possible delay
in accordance with the Regulations in force, and with only such intermission
as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war
of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war,
or warlike materials in the canal, except in case of accidental hindrance
of the transit, and in such case the transit shall be resumed with all possible
dispatch.

5. The provisions of this Article shall apply to waters adjacent to the
canal, within 3 marine miles of either end. Vessels of war of a belligerent
shall not remain in such waters longer than twenty-four hours at any one
time, except in case of distress, and in such case, shall depart as soon as
possible; but a vessel of war of one belligerent shall not depart within
twenty-four hours from the departure of a vessel of war of the other
belligerent.

6. The plant, establishments, buildings, and all work necessary to the
construction, maintenance, and operation of the canal shall be deemed to
be part thereof, for the purposes of this Treaty, and in time of war, as in

¹ Treaties and Conventions between the United States of America and other Powers,
² Ratified.
time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

29) **Convention for the Construction of a Ship Canal, Concluded Between the United States of America and Panama, 18 November 1903** 

**Article II.** The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

**Article III.** The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

**Article V.** The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

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1 Ibid., vol. II, p. 1349.
2 Ratified.
Article IX. The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for works pertaining to the Canal.

Article X. The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

Article XIII. The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.
Article XVI. The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commission of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commission of crimes, felonies and misdemeanors within said zone and auxiliary lands.

Article XVII. The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

Article XVIII. The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three, of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Article XIX. The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

30) Treaty of Arbitration, Friendship, Commerce and Navigation between the Republics of Mexico and Honduras, signed at Mexico, 24 March 1908

Article 16. The merchant-ships of each of the High Contracting Parties shall have the right to carry cargo to one or more ports of the other and to receive cargo in those ports, and may also discharge the whole or a part of their cargo in any of the said ports, and load cargo from, or for, any of the others, provided that the laws so permit, without paying different or higher duties than those paid by the merchant-ships in any other nation.

It is nevertheless agreed that this concession does not apply to the coasting trade, the management of which will remain subject to the respective laws of the Contracting Powers.

Article 17. Mexican vessels which sail to Honduranian ports, and Honduranian vessels which arrive at Mexican ports, with cargo or in ballast, shall be considered, as regards the payment of port, anchorage, tonnage, and light dues, piloting, damage, salvage, quarantine, and all other dues or charges affecting the hull of the vessel, as ships of the most favoured nation. Similar favour shall be accorded to them in respect to

1 British and Foreign State Papers, vol. 102, 1908, 1909, pp. 655 et seq.
2 Ratified.
place of anchorage, loading and discharging cargo, embarking or disembarking of their passengers and baggage, in the ports, shipyards, roadsteads, wharves, bays, or rivers of the two countries, as also in respect to the payment of taxes or contributions of whatsoever nature, and in the local treatment of their crews and of their import and export cargoes.

It is nevertheless understood that the citizens of either of the two countries must observe the local laws and regulations relative to the policing of the ports, and render obedience in all matters to those laws and regulations in regard to the customs formalities, or the prevention of smuggling.

For the collection of tonnage dues in the ports of the two contracting countries, the tonnage as shown on the ship’s register shall be taken.

Article 18. In the following cases total exemption shall be granted from the payment of tonnage dues, port dues, and fees for clearance, but not from pilotage charges:

1. Mexican or Honduranian vessels coming from any port, which arrive or leave in ballast.
   These vessels may enter the coast trade ports, and engage therein in such traffic as the local laws and ordinances permit, subject to the formalities and regulations prescribed by the same.

2. Vessels which touch at two or more ports in the same State, and show proof that they have paid these dues at the first port at which they called.

3. Mail steamers carrying passengers and their baggage, provided that they do not engage in commercial traffic.

4. Vessels with cargo on board which, having entered a port either voluntarily or by stress of circumstances, put to sea again without having engaged in any commercial traffic.

The vessels mentioned in the two last paragraphs shall be obliged, within thirty-six hours after being given pratique, to furnish security in sufficient amount to satisfy the Customs authorities that they will not engage in any kind of commercial traffic.

In the case of entering a port through stress of circumstances, the discharge and re-loading of cargo for the purpose of effecting repairs, or for the disinfection of the vessel if placed in quarantine, the transshipment of the cargo to another vessel through inability to proceed on the voyage, the necessary expenditure for revictualling, and the sale of damaged cargo, after obtaining permission from the Customs authorities to that effect, shall not be regarded as engaging in commercial traffic.

Article 20. If a citizen of one of the High Contracting Parties should be forced by stress of weather, or from any other cause, to take refuge with his vessels at any point on the coasts of the other, he shall have the right to be received with proper humanity, and afforded all such assistance as may be necessary for the salvage of his vessels and their cargo, until placed in such a state as shall admit of the voyage being continued to the next nearest port, the right being reserved to the nation rendering these services to take such precautions as may be deemed necessary for the prevention of smuggling.
Vessels of one of the High Contracting Parties whose crews are under-manned shall be permitted to ship, in the territory of the other, such seamen as they may require for continuing the voyage.

If a vessel belonging to a citizen of either of the two contracting countries should become shipwrecked, run aground, or suffer any damage within the territorial waters of the other, the same aid and protection shall be rendered to it as would, in similar case, be afforded to a native vessel which had suffered shipwreck, had stranded, or had been abandoned. The like treatment shall also be accorded to war-ships.

The respective local authorities must afford every protection to shipwrecked persons and salvaged cargo, whilst taking all precautions for the prevention of smuggling, but not demanding the payment of duties, imposts, or contributions of whatsoever nature, excepting in respect to such goods as may be intended for home consumption.

Article 21. It is agreed between the two High Contracting Parties that the limit of their jurisdiction in the territorial waters adjacent to their respective coast, shall include a distance of 20 kilom. measured from low-water mark; but this rule shall only apply in respect to police supervision, the enforcement of Customs regulations and measures for the prevention of smuggling, and matters concerning the safety of the country, and in no case shall it apply to any other questions of international maritime law.

Note. The provisions of articles 15 and 22 of this treaty are similar to the provisions of articles 15 and 22 of treaty No. 23 above.

31) **TREATY** 1 OF COMMERCE AND NAVIGATION BETWEEN GERMANY AND SWEDEN, SIGNED AT BERLIN, 2 MAY 1911 2

*Article 16.* Ships of either of the Parties shall be exempt from tonnage and port dues:

1. If they come from any port whatever in ballast, and leave in the same manner.

2. If they come to more than one port of either country, and can show proof that they have already paid the said charges in a port of that country.

3. If they come to a port, willingly or by stress of circumstances, and leave it again without engaging in any commercial operations.

These exemptions will not apply to lighthouse, pilot, tug, quarantine or other dues payable by native ships, and those belonging to the most favoured nations, in consideration of services rendered in furtherance of navigation and not exceeding such dues.

If the ship is forced to go into a port by stress of circumstances then the following operations are not to be counted as commercial operations: unloading and loading cargo for purposes of repair; transshipment of cargo to another vessel, in cases where the ship is not seaworthy; necessary purchases of provisions for the crew; and sale of injured goods with permission of the Customs authorities.

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2 Ratified.
**Article 17.** If a ship of one of the High Contracting Parties is stranded on the coast of the other, or is shipwrecked, the ship and cargo shall enjoy the same advantages and exemptions as are accorded to native ships or those belonging to the most favoured nation under similar circumstances. The same help and succour shall be given to the captain and crew in respect to their persons and the ship and cargo as to natives.

The High Contracting Parties are agreed that customs duties shall not be payable on goods saved from the wreck unless they are sold for consumption in the country.

**Article 18.** If seamen or other persons belonging to the ship's crew desert from a ship belonging to one Party in the territory of the other the Consular officers of the former Party can arrest the deserters, and cause them to be sent on board or repatriated. For this purpose they must apply in writing to the competent authority and bring documentary proof that the persons claimed really belong to the ship's crew.

Every assistance in the search for and the arrest of the deserters shall be afforded the said Consular officers. The former shall be retained in custody on the written request and at the charges of the Consular officer until an opportunity arises to put them on board the ship to which they belong or to send them home.

Should, however, no opportunity arise before the lapse of two months reckoned from the day of arrest, or if the cost of keeping them in custody be not regularly defrayed, the persons retained in custody shall be set at liberty, and shall not again be arrested in consequence of the same charge.

If the deserter has committed a criminal offence in the country, the local authority can postpone his surrender until the competent Court has pronounced sentence, and the same has been carried out.

The above provisions do not apply in the case of seamen or other persons who are subjects of the country in which the desertion has taken place.
Parties contractantes, il ne sera accordé par l'une des Parties aux navires nationaux, aucun privilège ni aucune facilité qui ne le soit également, en pareils cas, aux navires de l'autre Pays, la volonté des Parties contractantes étant que, sous ces rapports, les bâtiments respectifs soient traités sur le pied d'une parfaite égalité.

Article 12. Aucun droit de tonnage, de transit, de canal, de port, de pilotage, de phare, de quarantaine ou autres droits ou charges similaires ou analogues, de quelque dénomination que ce soit, levés au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, ne seront imposés dans les eaux territoriales de l'un des deux Pays sur les navires de l'autre, sans qu'ils soient également imposés, sous les mêmes conditions, sur les navires nationaux en général ou sur les navires de la nation la plus favorisée. Cette égalité de traitement sera appliquée réciproquement aux navires respectifs, de quelque endroit qu'ils arrivent et quel que soit le lieu de destination.

Article 13. Les navires chargés d'un service postal régulier de l'une des Hautes Parties contractantes, qu'ils appartiennent à l'État ou qu'ils soient subventionnés par lui à cet effet, jouiront dans les eaux territoriales de l'autre, des mêmes facilités, privilèges et immunités que ceux qui sont accordés aux navires similaires de la nation la plus favorisée.

Article 14. Il est fait exception aux dispositions du présent Traité pour le cabotage dont le régime reste soumis aux lois du Japon et de la Suède respectivement. Il s'entend cependant que les sujets et les navires de l'une des deux Parties contractantes jouiront en cette matière sur les territoires de l'autre du traitement accordé à la nation la plus favorisée.

Article 15. Les officiers consulaires compétents de chacune des Hautes Parties contractantes, seront, dans les territoires de l'autre, exclusivement chargés du maintien de l'ordre intérieur des navires marchands de leur nation, et seront seuls compétents pour connaître des différends qui pourraient survenir, soit en mer, soit dans les eaux territoriales de l'autre Partie, entre les capitaines, les officiers et l'équipage, notamment en ce qui concerne le règlement des salaires et l'exécution des contrats. Toutefois, la juridiction appartiendra aux autorités territoriales, dans le cas où il surviendrait, à bord d'un navire marchand de l'une des Parties contractantes dans les eaux territoriales de l'autre, des désordres que les autorités compétentes du lieu jugeraient de nature à troubler ou à pouvoir troubler la paix ou l'ordre dans ces eaux ou à terre.

Article 16. Si un marin déserte d'un navire appartenant à l'une des Hautes Parties contractantes dans les eaux territoriales de l'autre, les autorités locales seront tenues de préter, dans les limites de la loi, toute l'assistance en leur pouvoir, pour l'arrestation et la remise de ce déserteur, sur la demande qui leur sera adressée, à cet effet, par l'officier consulaire compétent du pays auquel appartient le navire en question, avec l'assurance de rembourser toutes les dépenses y relatives.

Il est entendu que cette stipulation ne s'appliquera pas aux sujets du pays où la désertation aura lieu.

33) **Agreement** 1 between the United States of America and the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, adopting, with certain modifications, the rules and method of procedure recommended in the Award of 7 September 1910 of the North Atlantic Coast Fisheries Arbitration, signed at Washington, 20 July 1912 2

**Article 2.** And whereas the Tribunal of Arbitration in its award decided that—

"In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast."

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

"In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

"For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macque- reau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

"For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence

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1 *Treaties and Conventions between the United States and Other Powers, 1910-1923*, vol. III, pp. 2632 et seq.

2 Ratified.
to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

"Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays."

It is understood that the award does not cover Hudson Bay.

Article 3. It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

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34) Treaty 1 between Great Britain and Nicaragua for the regulation of the turtle-fishing industry in the territorial waters of Nicaragua as regards fishing vessels belonging to the Cayman Islanders, signed at Guatemala, 6 May 1916 2

Article 1. The Government of Nicaragua agree that the fishing and crawling of turtles in Nicaraguan jurisdiction by fishing vessels of the Cayman Islands shall be governed by the following regulations:

(a) Whenever the master of a vessel wishes to engage in the turtle fishery in the territorial waters of Nicaragua on the Atlantic Coast, or when he intends to keep in trawls or tanks in Nicaraguan waters turtles caught by him on the high seas, he shall proceed to any Nicaraguan port where there is a custom-house, where he shall register his entry, besides taking other steps required by law.

(b) After compliance with these formalities, the master shall cause his vessel to be registered at the Customs, and obtain a permit to use her in Nicaraguan waters for the purpose of fishing during the fishing season, obtaining another licence, to be issued also by the Head of the Customs, to crawl turtles within Nicaraguan jurisdiction. For both permits the master shall pay 2 dol. 50 c. ($2.50) gold in American currency, all other port dues being waived on the condition that the vessel shall not land or take in passengers or cargo in that port. Should she do so, that is to say, should the master land cargo or passengers or vice versa, he will have to pay the usual port dues.

(c) These formalities being complied with, a conditional Customs despatch shall be given to the vessel in the port of entry, free of charge, and the document shall state that it will not be valid until it has been vised by the Customs official, who is to be sent to the cays or places where, with the previous approval of the Government of Nicaragua, the turtles are crawled, at the end of the fishing season.

(d) As soon as the heads of the Customs on the Atlantic Coast receive notice from the masters of fishing vessels, they shall send to the Mosquito cays or to the approved places where the turtles are crawled a Customs official, before whom the masters shall make a written declaration of the number of turtles which each intends to take on board. After the official has ascertained that the number is correct, he shall recover fifty (50) cents American gold from the masters as export duty on each turtle, and shall

1 British and Foreign State Papers, 1916, vol. 110, pp. 528 et seq.
2 Ratified.
note the fact over his signature on the conditional Customs despatch given in the port of entry. The cost of the maintenance of this official during his stay at the cays, crawls, or tanks shall be defrayed by the masters who, after complying with the requisites enumerated above, shall be at liberty to proceed to their destination, without the necessity of returning to any Nicaraguan Customs port.

(e) Vessels leaving the fishing grounds without proper Customs despatch, legalised in conformity with these stipulations, or vessels taking on board turtles or other cargo for export without having made the proper declaration, nor paid in consequence the legal dues, shall be regarded for the purpose of the law as smugglers.

35) **Treaté d’amitié protectrice entre la France et le Monaco**, signé à Paris, le 17 juillet 1918

**Article 4.** Le Gouvernement français pourra, soit de sa propre initiative, avec l’agrément du Prince, ou en cas d’urgence après notification, soit sur la demande de son Altesse Sérénissime, faire pénétrer et séjourner sur le territoire et dans les eaux territoriales de la Principauté les forces militaires ou navales nécessaires au maintien de la sécurité des deux pays.

36) **Treaty between Denmark and Germany concerning the settlement of questions arising out of the transfer to Denmark of the sovereignty over North Sleswig**, signed at Copenhagen, 10 April 1922

**Article 1.** The following agreements are hereby concluded between Germany and Denmark:

7. Agreement regarding the regulation of navigation in German-Danish frontier waters.

9. Agreement regarding common fishery rights in the Flensburg Fjord.

10. Agreement regarding fisheries on the Bredegrund, with final protocol.

The above agreements, together with the exchange of Notes referred to in No. 18, are attached as annexes to this Treaty, of which they constitute integral portions.

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3 Ratified.
7. Agreement regarding the regulation of navigation in German-Danish frontier waters

Article 1. Each of the two Contracting Parties grants to the merchant shipping, fishing boats, oyster-fishing boats and pleasure craft and also to the vessels of the Navigation Police, the Fisheries Supervision Authorities, the customs administration and the waterways administration of the other Contracting Party free passage through its territorial waters in the Flensburg Fjord, the Lister Tief and the Højër Tief on condition that the rules of navigation as applied to maritime channels and the special regulations issued by the Government concerned are duly observed.

Article 2. The two Contracting Parties shall inform each other, by means of direct communications to the authorities concerned, of the police and customs regulations in force in their territorial waters within the aforesaid frontier waters and also of any alterations which may subsequently be made in these regulations.

Article 3. In the interests of safety, and in order to facilitate navigation, the two Contracting Parties will come to an agreement with regard to the adoption of similar police regulations applicable to navigation and especially with regard to a common system of signalling.

In the case of wreckage lying on the common frontier within territorial limits, such wreckage shall be removed at the earliest possible moment, and the costs of such removal shall be borne by the country which first of all indicated the position of the wreckage.

Article 4. The authorities of each of the two Contracting Parties shall retain the right to stop and search vessels within their respective territorial waters in accordance with the generally recognized rules of international law.

Nevertheless, those vessels belonging to the other Contracting Party which are mentioned in Article 1, may not be stopped and searched for the purpose of carrying out import and export prohibitions and customs regulations, unless good reasons exist for suspecting an infraction of the above-mentioned prohibitions or regulations. In such cases the competent authorities of the other Contracting Party shall at once be informed directly through the authorities concerned of the stopping and searching of the vessels, and shall be supplied with a statement setting out the grounds of suspicion.

Each of the two Contracting Parties shall, within the frontier waters specified in article 1 over which its sovereignty extends, recognize the customs seal of the other Contracting Party in the case of vessels which are making a continuous voyage to the harbours of the other Contracting Party or are putting to sea from such harbours, and will exempt from customs examination cargoes in such vessels accompanied by the customs officials of the other Contracting Party. If it should subsequently be ascertained that illicit traffic has been carried on with the land or that this immunity has been abused in any other way, the competent authorities of the other Contracting Party are to be informed by communications made direct to the authorities of that Party.

9. Agreement regarding common fishery rights in the Flensburg Fjord

Article 1. 1. Nationals of the two States who, on the coming into force of this Agreement, may be domiciled in the Communes lying on the
German and Danish sides of the Fjord, shall have the right to carry on fishing within the Flensburg Fjord, which is bounded on the east by the line Birknack-Kekenis Beacon. Fishermen who take up their residence in these Communes after the above date shall only acquire the right to fish within the territorial limits of the other country after they have carried on fishing in the fjord continuously for one year.

Outside the area specified in paragraph 1, only nationals resident in the two countries shall be entitled to carry on fishing within the territorial waters of their respective States.

2. The following places shall, however, be excluded from the common fisheries:

(a) The Nyböl Nor up to the point at its mouth marked by the two sea marks.
(b) The northern section of Sønderborg Bay, including Høruphav which is bounded by the line Lille Borrishoved (southern point of the Koppels-hoven)—Vesterby—(Vestermark-) Mill on Kegnoes.
(c) The coastal waters along the Kegnoes peninsula within the 10 metre sounding.

10. Agreement regarding fisheries on the Bredegrund

Article 1. German fishermen who reside on the East Coast of Slesvig-Holstein between Flensburg and the village of Stein at the entrance of the Kiel Fjord—both places included—and who have hitherto taken part in the fisheries on the Bredegrund situated in front of the outlet of the Flensburg Fjord shall, during a period of three years after the coming into force of this Agreement, be entitled to fish also in that part of the Bredegrund lying within three nautical miles of the Danish coast which is bounded:

On the West by the line Kegnoes Beacon-Bredegrund Barrel Buoy West (distinctive mark on top, one ball), and its southern extension.
On the East by the line Gammel Pöl Beacon-Bredegrund Buoy East (distinctive mark on top two, perpendicular spars).
On the North by the ten metre sounding on the coast of Alsen.
The total number of such fishermen may, however, not exceed 450.

37) Convention 1 between the United States of America and the United Kingdom respecting the regulation of the liquor traffic, signed at Washington, 23 January 1924 2

Article 1. The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

Article 2. (1) His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those

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1 Ibid., vol. 27, pp. 182 et seq.
2 Ratified.
on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offence against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavouring to commit the offence. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

Article 3. No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board British vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Note. Similar provisions are to be found in the conventions concluded by the United States with Germany, 19 May 1924, (League of Nations Treaty Series, vol. 41, p. 271); Panama, 6 June 1924 (ibid., vol. 138, p. 397; modified, 14 March 1932, ibid., vol. 138, p. 407); Netherlands, 21 August 1924 (ibid., vol. 33, p. 434); Cuba, 4 March 1926 (ibid., vol. 61, p. 369); and Japan, 31 May 1928 (ibid., vol. 101, p. 63).

38) Convention 1 between the United States of America and Norway, respecting the regulation of the liquor traffic, signed at Washington, 24 May 1924.

Article 1. The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdictions.

1 Ibid., vol. 26, pp. 45 et seq.
2 Ratified.
The provisions of articles 2 and 3 of this treaty are similar to those of articles 2 and 3 of Treaty No. 37 above. Provisions similar to articles 1, 2 and 3 of the treaty under reference (No. 38) are to be found in the Conventions concluded by the United States with: Sweden, 22 May 1924 (League of Nations Treaty Series, vol. 29, p. 421); Denmark, 29 May 1924 (ibid., vol. 27, p. 361); Italy, 3 June 1924 (U.S. Treaty Series, no. 702), France, 30 June 1924 (League of Nations Treaty Series, vol. 61, p. 415); Belgium, 9 December 1925 (ibid., vol. 72, p. 171); Spain, 10 February 1926 (ibid., vol. 67, p. 131); Greece, 25 April 1928 (ibid., vol. 91, p. 231); Chile, 27 May 1930 (ibid., vol. 133, p. 141); Poland, 19 June 1930 (ibid., vol. 108, p. 323).

39) **Convention** ¹ **de commerce et de navigation entre la Finlande et la Hongrie, signée à Helsinki (Helsingfors), le 29 mai 1925** ²

*Article 17.* Dans les ports et les eaux territoriales des deux pays, les navires hongrois et ceux de la Finlande, leurs équipages, passagers et cargaisons jouiront du traitement accordé à ceux de la nation la plus favorisée, tant en ce qui concerne les taxes générales ou spéciales qu'en ce qui concerne le classement des navires, les facilités pour leur chargement et déchargement, et généralement pour toutes les formalités et dispositions auxquelles peuvent être soumis les navires de commerce, leurs équipages, passagers et cargaisons.

40) **Treaty** ³ **of Commerce and Navigation between Germany and Italy, signed at Rome, 31 October 1925** ⁴

*Article 25.* Vessels of one of the Contracting Parties shall be treated in the ports of the other in every respect like national vessels. This applies also to free access to the port, utilisation of it, and the full use of the arrangements available for vessels and for their commercial operations.

*Article 26.* As regards tonnage, port, pilotage, lighthouse, quarantine, and similar duties and charges of any kind which may be levied in the name or on behalf of the State, public officials, private individuals, corporations or institutions of any description, the vessels of each of the Contracting Parties shall enjoy in the ports of the other the treatment accorded to national vessels.

*Article 27.* All vessels which under Italian law are regarded as Italian vessels, and all vessels which under German law are regarded as German vessels, shall be regarded, for the purposes of this Treaty, as Italian and German vessels respectively.

The regulations and provisions of the national legislation concerning the fitting-out, equipment, and conditions of safety of vessels of one of the

¹ *Ibid.*, vol. 48, p. 120 et suiv.
² Ratifié.
³ *Ibid.*, vol. 52, pp. 311 et seq.
⁴ Ratified.
Contracting Parties shall be recognised as valid in the ports of the other, as regards the transport of goods.

Article 31. As regards the berthing of vessels, their loading and unloading in ports, roadsteads, bays, or docks, and generally in connection with all the formalities and regulations applicable to vessels, their crews and their cargoes, no privilege or favour shall be granted to national vessels or to vessels of a third State which are not also accorded to vessels of the other Party.

These provisions, however, shall be without prejudice to the power of the competent authorities to take such measures as they may think fit for the administration and management of the port, subject to observance of the principle of equality of treatment between the vessels of the two Contracting Parties.

Article 33. The assimilation of vessels of one of the Contracting Parties and their cargoes to vessels of the other Contracting Party and their cargoes shall not extend to the following:

(a) The application of the special laws on the national mercantile marine, so far as concerns the encouragement of shipbuilding and shipping by means of bounties or other special facilities;

(b) Favours accorded to yacht clubs;

(c) Maritime services in ports, roadsteads and on the coast. Maritime services include towage, pilotage, and assistance and life-saving at sea;

(d) Fishing;

(e) Emigration or the transport of emigrants. The legislation of the two States in the matter shall not be affected.

As regards the coasting trade, each of the Contracting Parties shall be entitled, for its vessels, to all favours and privileges which the other has accorded or may hereafter accord in the matter to a third Power, provided that it accords the same favours and privileges to vessels of the other Party in its territory.

Article 34. Vessels of one of the Contracting Parties which may be forced, owing to bad weather or accident, to take shelter in a port of the other Party, shall be allowed to undertake repairs in that port, to employ all the means necessary for such purpose, and to put to sea again, without being bound to pay dues of any description other than those which would be payable by national vessels in like circumstances. This notwithstanding, should the captain of the vessel undergoing repair find it necessary to dispose of part of the cargo to cover costs, he shall be bound to observe the regulations and tariffs in force in the port in which he has taken shelter.
41) TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE LA NORVÈGE ET L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES, SIGNÉ À MOSCOU, LE 15 DÉCEMBRE 1925.

Article 19. Les navires de chacune des Hautes Parties contractantes seront libres de faire usage, dans les mêmes conditions et en payant les mêmes taxes que les navires nationaux, des canaux maritimes, écluses, bacs, ponts et ponts tournants, des ports et endroits de débarquement, signaux et feux servant à désigner les eaux navigables, du pilotage, des grues et poids publics, magasins et établissements pour le sauvetage et le magasinage de la cargaison et d'autres objets, en tant que ces établissements et institutions sont désignés à l'usage public, soit qu'ils soient administrés par l'État, soit par des particuliers.

Article 31. Les vaisseaux norvégiens dans la mer Blanche, et dans les eaux territoriales de l'Union des Républiques soviétiques socialistes dans l'océan Glacial, jouiront, en ce qui concerne la chasse aux bêtes de mer, sans restrictions ou exemptions quelconques, des mêmes droits qui sont ou seront accordés à un tiers État quelconque.

En ce qui concerne la pêche dans les mêmes régions, les vaisseaux norvégiens jouiront du traitement de la nation la plus favorisée en tant qu'il s'agit de faveurs accordées ou pouvant être accordées par un traité.

PROTOCOLE FINAL

4. (Ad article 19.) Il est entendu qu'en ce qui concerne le recours aux services des pilotes, les navires de l'un des deux pays se conformeront aux indications et aux ordres des autorités des ports de l'autre pays sur la même base que les navires d'un tiers pays quelconque.

6. (Ad article 20.) Il est entendu que dans des cas séparés un navire de l'une des Hautes Parties contractantes qui a subi une avarie ou un naufrage dans les ports ou dans les eaux territoriales de l'autre Partie et qui a besoin d'assistance, a le droit de faire usage des bateaux de chacune des Hautes Parties contractantes pour le remorquage, le sauvetage et l'assistance maritime.

Cependant, les navires de chacune des Hautes Parties contractantes qui exercent professionnellement le remorquage, le sauvetage et l'assistance maritime ne peuvent stationner dans les ports de l'autre Partie pour y exercer leur profession.

1 Ibid., vol. 47, p. 10 et suiv.; traduction anglaise: ibid., p. 11 et suiv.
2 Ratifié.
Article 5. Les dispositions de la présente convention ne s'appliquent pas au régime du cabotage ni au régime de la pêche dans les eaux territoriales de chacune des Hautes Parties contractantes, pour lesquels les ressortissants et navires desdites Parties contractantes jouiront du traitement de la nation la plus favorisée.

43) Fishery Convention between Japan and the Union of Soviet Socialist Republics, signed at Moscow, 23 January 1928

Article 1. The Union of Soviet Socialist Republics grants to Japanese subjects, in conformity with the stipulations of the present Convention, the right to catch, to take and to prepare all kinds of fish and aquatic products, except fur-seals and sea-otters, along the coasts of the possessions of the Union of Soviet Socialist Republics in the Japan, Okhotsk and Behring Seas, with the exception of rivers and inlets. The inlets comprised in this exception are enumerated in Article 1 of the Protocol (A) attached to the present Convention.

PROTOCOL (A)

Article 1. The inlets which are the object of the exception contained in Article 1 of the Fishery Convention are as follows:

1. St. Lawrence Bay, up to a straight line drawn from Cape Pnagun to Cape Khargilakh.
2. Mechigme Bay.
3. Konyam Bay (Penkegunei Bay), up to a straight line drawn from Cape Netchkhonone to Grab Peak.
4. Abolechef Bay (Kalagan Bay).
5. Roumilet Bay.
6. Providence Bay, up to a straight line drawn from Cape Lissovsky to Lysaya Golova.
7. Holy Cross Gulf, up to the parallel of Cape Meetchken.
8. Anadyr Bay, up to a straight line drawn from Cape St. Basilius to Cape Geka.
10. Shliupochnaya Harbour.
11. Tuilen Lake.
12. Six Feet Lake.
13. Northern portion of Baron Korfa Gulf.
15. Bechevinska Bay.
16. Avatcha Bay, up to a straight line drawn from Cape Bezimyanni to Cape Dalni.

2 Les ratifications ont été échangées le 1er mars 1928.
3 Ibid., vol. 80, pp. 342 et seq.
4 Ratified.
(17) Gulf of Penjinsk, up to the parallel of Cape Mamet.
(18) Milkachinsky Bay.
(19) Iamskaia Bay.
(20) Aian Bay.
(21) Grand Duke Constantine Bay.
(22) St. Nicholas Gulf, up to a straight line drawn from Cape Lamsdorf to Cape Groto.
(23) Schastiya Gulf.
(24) Baikal Gulf, up to a straight line drawn from Cape Tshauno to Cape Vitovta.
(25) Nuiskii Gulf.
(26) Nabilskii Gulf.
(27) Krestovaya Bay.
(28) Starka Bay.
(29) Vanina Bay, up to a straight line drawn from Cape Vesseli to Cape Burni.
(30) Port Soviet, up to a straight line drawn from Cape Milyutina to Cape Putyatina.
(31) Terne Bay, up to the meridian of Cape Strashni.
(32) St. Vladimir Bay, up to a straight line drawn from Cape Balusek to Cape VATovskago.
(33) Small inlet situated in the north-eastern portion of Preobrazheniya Bay, as far as the meridian of Cape Matveeva.

It goes without saying that the exception in question shall not apply to high seas.

As regards the northern coast of the Okhotsk Sea, from the estuary of the Podkagernaya to Aian Bay, with the exception of Penjinsky Gulf (see No. 17), Milkachinsky Bay (see No. 18), Iamskaia Bay (see No. 19) and Aian Bay (see No. 20), the inlets which are to come within the exception above referred to shall be determined according to the following definition:

Such bays as shall penetrate into the mainland for a distance (measured along the deepest channel) which shall be more than three times the width of the entrance.

Fishing shall, moreover, be barred to Japanese subjects, as to other foreigners, within the following bays not, as a matter of course, including high seas:

(1) De Castries Bay with Fredericks Bay, up to a straight line drawn from Cape Castries to Cape Kloster Kamp and up to a similar line from Cape Kloster Kamp to Cape Ostri.
(2) St. Olga Bay, up to a straight line drawn from Cape Manevskago to Cape Shkota.
(3) Peter the Great Bay, from Cape Povorotni to Cape Gamova, including the islands situated in that bay.
(4) Posiette Bay, from Cape Gamova to Cape Butakov.

Article 2. In matters concerning the boundaries of rivers in relation to the sea, the two Governments shall follow the principles and usages of the law of nations.
44) **CONVENTION** between the **Finnish Republic and the Union of Soviet Socialist Republics**, regarding customs supervision in the **Gulf of Finland**, signed at **Moscow, 13 April 1929**

*Note.* Articles 1-6 of this Convention and Final Protocol have been published in the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. 1, 1951, p. 163.

45) **CONVENTION** between the **United States of America and Canada** for the protection, preservation and extension of the **Sockeye Salmon Fisheries of the Fraser River System**, signed at **Washington, 26 May 1930**

*Note.* This Convention has been published in the *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. 1, 1951, p. 195.

46) **CONVENTION** entre l’**Italie et la Turquie pour la délimitation des eaux territoriales entre les côtes d’Anatolie et l’île de Castellorizo**, signée à **Ankara, le 4 janvier 1932**

*Article 5.* Les Hautes Parties contractantes sont également tombées d’accord pour fixer la délimitation des eaux territoriales comme suit:

A l’est:
- D’un point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Gata;
- De là, en ligne droite jusqu’à un point situé à moitié distance entre Psomi et Proussecliss (Prusseklî);
- De ce point, en ligne droite sur un point situé à moitié distance entre Mavro-Poinis et Proussecliss;
- De ce point, en ligne droite sur un point situé à moitié distance entre la pointe Niphtis et le rocher Proussecliss;
- De ce dernier point, en ligne droite sur un point situé à moitié distance entre la côte nord-est de l’île d’Hypsili (Strongyli) et la côte sud-ouest de l’île de Nissi-Tis Dacia;
- De ce point, en ligne droite, jusqu’à un point qui se trouve à trois milles au sud de Tugh-Burnu.

Au sud:
- De ce dernier point, la ligne passe jusqu’à un point situé à trois milles au sud de la pointe sud Hypsili pour se joindre à la frontière maritime qui ne rentre pas en discussion.

Au nord:
- Du point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Gata, la ligne va en ligne droite à un point situé à moitié distance entre le cap San Stephano (pointe du vent) et le cap Vathy;

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2 Ratified.
4 Ratified.
6 Ratifié.
De ce point en ligne droite jusqu'à un point situé à moitié distance entre le cap du Limenari et les rochers Voutzaki (Rocci Vutzaki);
De ce dernier point, jusqu'à un point situé à moitié distance entre l'île Dragonera et les rochers Voutzaki (Rocci Vutzaki);
De ce dernier point, la ligne passe vers le nord jusqu'à un point situé à moitié distance entre le point nord-est de l'île St. Georges (Rho) et le point le plus proche de la côte d'Anatolie au nord du point de l'île;
De ce point, jusqu'à un point situé à moitié distance entre Prassoudi et le point sud-ouest de l'île St. Georges (Rho);
De ce dernier point, la ligne va en ligne droite jusqu'à un point situé à trois milles au sud de l'île de Volo pour se joindre à la frontière maritime qui ne rentre pas en discussion.
La ligne de démarcation, telle qu'elle est décrite dans le présent article, fixée par les Hautes Parties contractantes en vue de déterminer l'appartenance des îles et îlots se trouvant de part et d'autre de cette ligne, rejoint à l'est à un point situé à 3 milles de distance au sud de Tugh Burnu, et à l'ouest à un point situé à 3 milles de distance au sud de l'île de Volo, la frontière maritime générale qui n'est point en discussion entre la Turquie et l'Italie.

**Article 6.** Les noms des localités susmentionnées sont empruntés aux cartes italienne (624), française (5551) et anglaise (236).
Les Hautes Parties contractantes sont d'accord qu'en cas de divergence entre le texte de la présente Convention et les cartes y annexées c'est le texte qui fera foi.

47) **Declaration between the Danish and Swedish Governments concerning the boundaries of the Sund, signed at Stockholm, 30 January 1932, and exchange of notes**

**The Royal Danish Government and The royal Swedish Government,** having carefully considered the question of boundaries in the Sound, (limited in the north by a line from Gilbjerghoved to Kullen, and in the south by a line from the Stevns lighthouse to Falsterbo Point), have found that the line hereinafter described affords a basis for the correct delimitation of the exercise by the two countries of the rights mentioned below:

In the northern part of the Sound, from its northern limit to the site of the Lous Flak light- and soundbuoy (Lat. N. 55°49'36''; long. E. 12°42'42''), the line runs midway between the coast of Zealand and the Swedish mainland (Ven Island being disregarded).

From the site of the Lous Flak light- and soundbuoy, the line runs straight to the site of the Saltholm Flak lightbuoy N.E. (lat. N. 55°31'00''); and thence in a southerly direction following straight lines drawn between the following four points:

1. Lat. N. 55°38'37''; long. E. 12°53'54''
2. , , 55°36'49''; , 12°53'04''
3. , , 55°32'25''; , 12°43'57''
4. , , 55°29'19''; , 12°43'06''

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2 Not subject to ratification.
The line is continued to the southern limit in accordance with rules corresponding to those applicable to the northern part of the Sound, but is made up of straight lines determined by the following points:

4. Lat. N. 55°29'19"', long. E. 12°43'06"
5. " 55°25'52"', " 12°36'49"
6. " 55°20'12"', " 12°38'42"

The geographical co-ordinates of the above-mentioned points refer to the attached chart on which the line is marked.

The two Governments agree that the line in question shall form the boundary in the Sound between the territorial waters of the two countries, as far as those territorial waters extend in accordance with the rules in force in this respect.

The Danish and Swedish Governments undertake to refrain in the Sound, even outside territorial waters, from erecting lighthouses, seamarks, or fixed installations of any kind whatever, to the east and west respectively of the said line, which shall also form the boundary for their right to mark and salve wrecks and to take any other measures for the safety of navigation and the like. Fixed seamarks or other installations which may have been previously erected by Denmark on the east or by Sweden on the west of the said line shall be removed by the State to which they belong, after negotiation between the competent Danish and Swedish authorities and within a period of six months from the date of signing the present Declaration.

This Declaration involves no change in the existing rules regarding pilotage in the Sound (cf. Declaration of August 14, 1873, with the Annex of October 12, 1911), or in the regulations applicable to fishing in the navigable waterways adjacent to Denmark and Sweden (cf. Convention of July 14, 1899, and Declaration of October 5, 1907).

EXCHANGE OF NOTES

I

THE SWEDISH MINISTER FOR FOREIGN AFFAIRS TO THE DANISH CHARGÉ D’AFFAIRES AT STOCKHOLM

STOCKHOLM, January 30, 1932

SIR,

In connection with the Declaration signed to-day regarding the boundaries in the Sound, I have the honour to state that the Swedish Government recognises that it is bound to keep the passage through the Sound at Flinträngman and east of Ven Island open to all Danish vessels, including both merchant ships and warships, which shall be entitled to pass freely through the said waterway without paying any dues whatever (with the exception of the charge for voluntary pilotage), and which in all other respects may not be treated less favourably than Swedish vessels or the vessels of any other country whatever.

In making the above statement on behalf of the Royal Swedish Government, I have the honour to add that nothing therein shall be interpreted as being contrary to the obligations which may be imposed on Sweden as a Member of the League of Nations, or prevent Sweden from taking such temporary defensive measures as she may find necessary in the event of international military complications in which she becomes involved.
The Swedish Government further recognises the Danish Government's right to fix the boundaries of the roadstead of Copenhagen in the same manner as heretofore and to treat the said waters as Danish inland waters.

I have the honour, etc.

II

The Danish Chargé d'Affaires at Stockholm to the Swedish Minister for Foreign Affairs

Stockholm, January 30, 1932

Your Excellency,

I have the honour hereby to acknowledge the receipt of your note of to-day's date, in which Your Excellency informs me, in connection with the Declaration signed this day regarding the boundaries in the Sound, that the Royal Swedish Government recognises that it is bound to keep the passage through the Sound at Flintrannan and east of Ven Island open to all Danish vessels, including both merchant ships and warships, which shall be entitled to pass freely through the said waterway without paying any dues whatever (with the exception of the charge for voluntary pilotage), and which in all other respects may not be treated less favourably than Swedish vessels or the vessels of any other country whatever.

In making the above statement on behalf of the Royal Swedish Government, Your Excellency added that nothing therein shall be interpreted as being contrary to the obligations which may be imposed on Sweden as a Member of the League of Nations, or prevent Sweden from taking such temporary defensive measures as she may find necessary in the event of international military complications in which she becomes involved.

The Royal Swedish Government further recognises the Royal Danish Government's right to fix the boundaries of the roadstead of Copenhagen in the same manner as heretofore, and to treat the said waters as Danish inland waters.

I have the honour, etc.

48) Convention 1 between Denmark and Sweden with regard to fishing in the waters bordering on the two countries, signed at Stockholm, 31 December 1932 2

Article 1. The present Convention shall apply to the following waters:

The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to the Vinga lighthouse and thence to the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenøre to Griben and from Gilbjerg Hoved to Kullen lighthouse;

The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevn lighthouse to Falsterbo lighthouse to the south;

The Baltic, in respect of the waters along the coast from Falsterbo lighthouse to Smrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands.

1 Ibid., vol. 139, pp. 215 et seq.
2 Came into force, 22 June 1933.
Article 2. 1. Each of the Contracting States shall authorise fishermen to fish in their respective coastal waters to the extent specified below. This authorisation shall not in any way imply that the Contracting States abandon their respective points of view regarding the general principles for calculating the extent of their territorial waters.

2. In the Kattegat, the fishermen of each country shall be entitled to fish up to a distance of three minutes latitude from the coast of the other country or from the most outlying islets and rocks which are not constantly submerged.

As regards bays, the fishermen of both countries shall be entitled to fish up to a distance of three minutes latitude from a straight line drawn across the bay in the part nearest the opening where the width is not greater than ten minutes latitude. Off Laholm bay, however, this distance shall be calculated from a straight line drawn from the Tylö lighthouse to Hallands Väderö lighthouse.

3. In the Sound, fishing may be carried on everywhere by the fishermen of either country, with the restriction that off the coast within a depth of seven metres fishermen of the other country may not fish except for herring with nets and in the months of July, August, September and October with lines. Only "Naering" ("Nårding") may be used as drift nets for herring fishing.

Article 3. The fishermen of either country shall be permitted, without prejudice to special rights and provided they observe the existing Customs regulations and other similar provisions, to navigate freely and anchor at any point in the waters referred to in the present Convention; nevertheless from July 1 to October 31 inclusive fishing boats anchored in the Sound shall raise their anchors if there is any danger of the tackle of fishermen using drift nets drifting foul of the anchored boats or their moorings.

Article 6. Articles 4 and 5 shall not apply to the fishing areas reserved by each country exclusively for its own fishermen.

Article 9. Supervision of the observance of the provisions of the present Convention shall be exercised in common by both countries; nevertheless supervision by one country may not extend to the fishing areas reserved to the other country, and outside the fishing zones reserved to the respective countries it may be exercised over the fishermen of the other country only to the extent of noting infringements and duly reporting them.

**FINAL PROTOCOL**

When signing the Convention concluded... between Denmark and Sweden, regarding fishing conditions in the waters bordering on Denmark and Sweden, the undersigned Plenipotentiaries have made the following declaration on behalf of their Governments:

It is agreed between the two Contracting States that:

(1) The expression "fishermen" in the Convention shall be taken to mean all persons who in virtue of the Danish or Swedish legislation currently
in force regarding salt-water fishing (fishing at sea) are entitled to engage in fishing;
(2) (ad Article 2) Efforts must in principle be made to prohibit fishing with seine nets within the seven-metre limit in the Sound.

49) Convention 1 between Great Britain and Northern Ireland and Finland concerning the suppression of the illicit importation of alcoholic liquors into Finland, signed at London, 13 October 1933 2

Article 1. 1. The High Contracting Parties declare that it is their firm intention to uphold the principle:
(a) That three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters;

Note. Articles 1-4 of this Convention have been published in the United Nations Legislative Series, Laws and Regulations on the Regime of the High Seas, vol. 1, 1951, p. 167.

50) Accord 3 entre la Suède et la Finlande concernant l'organisation d'un service de garde commun en vue de la lutte contre l'importation illicite des marchandises alcooliques, signé à Helsingfors (Helsinki), le 29 décembre 1933 4

Article 1er. Dans les eaux territoriales des deux États contractants situées entre 60°30' et 59°45' de latitude nord et limitées à l'ouest par des lignes droites tirées entre les récifs suivants, savoir Högkallegnund, Östergryndan, Klacken, Gråskalsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnåsklubb, Häkanskär, Tjärven, Söderarm, et Längden, et à l'est par des lignes droites tirées entre les récifs de Jernbådan, Sälskär, Malgrunden, Skarven, Yttre Borgen, Gislän, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågskär, Vittensten, Granbåda et Voronina, puis, de là, par une ligne tirée droit vers le sud, un service de garde commun sera organisé par les deux États en vue de la lutte contre l'importation illicite des marchandises alcooliques dans leurs territoires douaniers.

PROTOCOLE FINAL

À l'occasion de la signature, en date de ce jour, de l'accord conclu entre la Suède et la Finlande concernant l'organisation d'un service de garde commun en vue de la lutte contre l'importation illicite des marchandises alcooliques, les plénipotentiaires soussignés déclarent au nom de leurs

1 Ibid., vol. 142, pp. 188 et seq.
2 Not subject to ratification; in accordance with article 5, this Convention came into force at the date of signature.
3 Ibid., vol. 149, p. 24 et suiv.
4 Ratifié.
gouvernements respectifs qu’il est entendu, aux fins du présent accord, que les eaux territoriales de la Suède s’étendent jusqu’à une distance de quatre milles marins ou 7,408 mètres, et celles de la Finlande jusqu’à une distance de trois milles marins ou 5,556 mètres des territoires terrestres des deux pays ou des lignes constituant, du côté de la mer, la limite des ports, entrées de ports et baies situés sur leurs côtes, ainsi que des autres eaux maritimes sises en deça et dans l’intervalle des îles, îlots ou récifs non constamment submergés, situés le long des côtes, les eaux territoriales ne s’étendant toutefois ni d’un côté ni de l’autre au-delà de la ligne indiquée à l’article 6.

Note. Articles 1-6 of this Agreement have been published the United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, p. 157.

51) Traité 1 d’établissement, de commerce et de navigation entre l’Iran et l’Union des Républiques soviétiques socialistes, signé à Téhéran, le 27 août 1935 2

Article 15...

4. Nonobstant les dispositions qui précèdent, chacune des Parties contractantes entend réserver à son propre pavillon la pêche dans les eaux baignant ses côtes, jusqu’à une limite de dix milles marins, ainsi que conserver le droit de faire bénéficier d’avantages préférentiels l’importation des poissons pris par les équipages des navires naviguant sous son pavillon.


52) Convention 3 entre Danemark et Suède pour une surveillance commune à fin de repérer l’intrusion de spiritueux, signée à Stockholm, 28 octobre 1935 4

Article 1. Within the territorial waters of the two contracting States in the Sound and certain parts of the Cattegat and the Baltic, namely:

On the Danish side, from 12°17.5’ east longitude (Gilbjerghoved), along the north and east coast of Zealand, together with Møen and Falster, to 11°58’ east longitude (Gedser) and round the island of Bornholm and the islands known as Aerteholmene, and

On the Swedish side, from 56°27’ north latitude (Hallands Väderö lighthouse), along the west, south and east coast of Skåne, to 55°39.8’ north latitude (Stenshuvud),

the supervision staff of the two States shall, in accordance with the following provisions and with the detailed regulations which may be agreed upon between the supreme Customs authorities of the two countries, co-operate

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1 Ibid., vol. 176, p. 300 et suiv.; traduction anglaise: ibid., p. 301 et suiv.
2 Ratifié.
3 Ibid., vol. 166, pp. 307 et seq.
4 Came into force 28 January 1936.
in combating the illicit import of alcoholic liquors into their Customs territory.

The provisions of the present Convention relating to the territorial waters shall not be applicable to ports and entrances to ports.

Note. Articles 2-6 of this Convention and the Final Protocol thereto have been published in the *United Nations Legislative Series, Laws and Regulations on the Regime of the High Seas*, vol. I, 1951, p. 149.

53) **TREATY ¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN DENMARK AND SIAM, SIGNED AT COPENHAGEN, 5 NOVEMBER 1937 ²**

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**Article 13.** The merchant vessels of either of the High Contracting Parties, whether in ballast or with cargoes, which arrive at or depart from the ports of the other Party shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of navigation as those which are or may be enjoyed by national vessels, from whatever place such vessels may arrive and whatever may be their place of destination.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the High Contracting Parties shall reciprocally apply the provisions of the Convention and Statute on the International Regime of Maritime Ports, signed at Geneva on December 9th. 1923. ³

**Article 17.** Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies and put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coast of the other, the local authorities shall give prompt notice of the occurrence to the Consular Officer residing in the district or to the nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them, within the period fixed by the laws and regulations of the country in which the wreck or stranding occurred, and

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¹ *Ibid.*, vol. 188, pp. 188 et seq.
² Ratified.
³ See *supra*, Second Part, Chapter I, Treaty No. 11.
such owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck or stranding of a national vessel.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territory of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the nationals of his State.

Article 18. The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.

54) Accord 1 entre le Gouvernement de la République populaire fédérale de Yougoslavie et le Gouvernement de la République italienne relatifs à la pêche par les pêcheurs italiens dans les eaux yougoslaves, signé à Belgrade, le 13 avril 1949 2

Article 1er. Le Gouvernement de la République populaire fédérale de Yougoslavie permettra aux pêcheurs italiens de pêcher au chalut remorqué par bateau dans la mer territoriale de la République populaire fédérale de Yougoslavie, à savoir:

a) dans la zone de l'archipel Premuda — Dugi Otok — Kornat en direction sud-ouest du cap situé au nord-ouest de l'île Premuda vers les phares Veli Rat et Sestric jusqu'à l'île de Purara située dans l'archipel de Kornat, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer;

b) dans la zone de l'archipel Jabuka — Kamik à l'ouest du méridien traversant l'île de Kamik, à l'exception des eaux du premier mille marin de l'île Jabuka et à l'exception des deux premiers milles marins de l'île Kamik en direction de la pleine mer;

c) dans la zone de l'archipel Palagruža — Kajola, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer;

d) dans la zone de l'île de Mljet limitée vers l'ouest par le méridien traversant le phare Glavat et vers l'est par le méridien traversant le cap Gruj situé sur la pointe sud-est de l'île de Mljet, à l'exception des eaux des deux premiers milles marins en direction de la pleine mer.


2 Entré en vigueur le 1er mai 1949 pour une durée de deux années, conformément à l'article 13. Il a été prorogé pour un an à partir du 1er mai 1951 par un Protocole y relatif signé à Belgrade, le 26 février 1951 (ibid., p. 9).
De même, le Gouvernement de la République populaire fédérale de Yougoslavie permettra aux pêcheurs italiens de pêcher au chalut remorqué par bateau dans les bandes de la zone de protection large de 4 milles marins en dehors de la mer territoriale, qui s’étendent parallèlement aux zones mentionnées sous a, b, c et d de l’alinéa 1 du présent article, correspondant à celles-ci en longueur et formant avec elles une zone compacte de pêche. Pendant la validité du présent Accord le Gouvernement de la République populaire fédérale de Yougoslavie renonce au droit d’appliquer, aux fins de la protection de la richesse maritime, dans ces bandes des zones déterminées par le présent Accord d’autres mesures restrictives en plus de celles mentionnées dans le présent Accord. Dans ces zones de pêche compactes pêcheront: dans la zone Premuda — Dugi Otok — Kornat 60 bateaux au maximum; dans celles de Jabuka — Kamik et Palagruža — Kajola un nombre indéterminé de bateaux et dans celle de l’île de Mljet 25 bateaux au maximum.

Dans les bandes de la zone de protection large de 4 milles marins en dehors de la mer territoriale les autorités compétentes de la République populaire fédérale de Yougoslavie exercent le contrôle et prescrivent toute mesure utile pour protéger les richesses de la mer. Au point de vue des mesures de protection les pêcheurs italiens ne seront pas traités d’une manière plus défavorable que les pêcheurs yougoslaves.

Lorsque les eaux au nord-ouest de l’île Sušak seront nettoyées de mines, le Gouvernement de la République populaire fédérale de Yougoslavie examinera la possibilité de l’établissement d’un certain secteur de pêche dans ces eaux pour les pêcheurs italiens.


55) AGREEMENT 1 BETWEEN NORWAY AND SWEDEN CONCERNING FISHING IN CERTAIN WATERS BELONGING TO NORWAY AND SWEDEN, SIGNED AT OSLO, 20 DECEMBER 1950 2

Article 1. Swedish fishermen shall be entitled to fish in Norwegian waters in the outer Oslo Fjord beyond a line running from the rock at the southern tip of Erholmen in the Rauer group to Midtre Helaflu (56° 56.8’N., 10°53.4’E.). The area is bounded on the west by a line drawn from a point 2 nautical miles east of the rock at the southern tip of Erholmen in the Rauer group along the aforesaid line to a point 4 nautical miles due south of the southernmost rock in the Svennør group, and on the east by a line drawn from a point 5½ nautical miles west of Midtre Helaflu along the line joining the latter with the rock at the southern tip of Erholmen in the Rauer group to a point north-west of the Grisbaene light and bell buoy (58°55’N., 10°46’7’E.).

Article 2. Norwegian fishermen shall be entitled to fish in Swedish waters outside a line running from a point north-west of the Grisbaene

2 Came into force on 17 April 1951.
light and bell buoy (58°55'N., 10°46.7'E.) to the said bell buoy (58°53'N., 10°50'E.) and thence to a point 6 nautical miles due west of the northern tip of the island of Møro (58°40'N., 10°57.3'E.). The area is bounded on the south by a line drawn due west from the last-named point.

Article 3. Norwegian and Swedish fishermen fishing in Swedish and Norwegian waters respectively shall observe all legal provisions applying to fishermen of the home State in those waters.

Notwithstanding any legal provisions to which fishermen of the home State may be subject in the said waters, fishermen of the other State may not fish therein with anchored nets, bow-nets or similar tackle, or with crab or lobster pots.

Article 4. New provisions governing fishing in the waters indicated in articles 1 and 2 may not be issued or put into effect except by agreement between the Contracting Parties.

Article 5. Fishermen of both States shall be free to proceed or anchor anywhere in the waters indicated in articles 1 and 2.

Notwithstanding the foregoing, fishing vessels of one State fishing in the grounds of the other State may be inspected by the competent authorities of the other State to ensure compliance with the law governing fisheries. Inspection may also be carried out to ensure that persons on board fishing vessels do not contravene any other legal provisions of the home State, such as those relating to national security and the prevention of smuggling.

Such inspection shall be carried out in such a way as to interfere as little as possible with the vessel's fishing operations.

Article 7. The authorities of each State shall enforce this Agreement within their own waters.

Where the authorities of one State take action against a fishing vessel of the other State or against persons on board such vessels for an offence against the law committed by the said vessel or persons in the waters of the former State, they shall forthwith notify the competent authority of the other State accordingly.

56) **Agreement 1 between Denmark and the United States of America on the Defense of Greenland, signed at Copenhagen, 27 April 1951**

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Article 2...

(3)...

(b) Without prejudice to the sovereignty of the Kingdom of Denmark over such defense area and the natural right of the competent Danish authorities to free movement everywhere in Greenland, the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

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1 United States Treaties and other International Agreements, vol. 2, part 2, 1951, pp. 1485 et seq.

2 Entered into force 8 June 1951.
(i) To improve and generally to fit the area for military use;
(ii) To construct, install, maintain, and operate facilities and equipment, including meteorological and communications facilities and equipment, and to store supplies;
(iii) To station and house personnel and to provide for their health, recreation and welfare;
(iv) To provide for the protection and internal security of the area;
(v) To establish and maintain postal facilities and commissary stores;
(vi) To control landings, takeoffs, anchorages, moorings, movements, and operation of ships, aircraft, and water-borne craft and vehicles, with due respect for the responsibilities of the Government of the Kingdom of Denmark in regard to shipping and aviation;
(vii) To improve and deepen harbors, channels, entrances and anchorages.

Article 3. (1) . . .
(a) United States ships, aircraft and armed forces shall have free access to Grønland with a view to the defense of Greenland and the rest of the North Atlantic Treaty area. The same right of access shall be accorded to the ships, aircraft and armed forces of other Governments parties to the North Atlantic Treaty as may be required in fulfillment of NATO plans.

Article 5 . . .
(3) In keeping with the provisions of Article 6 of this Agreement, and in accordance with general rules mutually agreed upon and issued by the appropriate Danish authority in Greenland, the Government of the United States of America may enjoy, for its public vessels and aircraft and its armed forces and vehicles, the right of free access to and movement between the defense areas through Greenland, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and from light or harbor dues. United States aircraft may fly over and land in any territory in Greenland, including the territorial waters thereof, without restriction except as mutually agreed upon.

Article 6. The Government of the United States of America agrees to co-operate to the fullest degree with the Government of the Kingdom of Denmark and its authorities in Greenland in carrying out operations under this Agreement. Due respect will be given by the Government of the United States of America and by United States nationals in Greenland to all the laws, regulations and customs pertaining to the local population and the internal administration of Greenland, and every effort will be made to avoid any contact between United States personnel and the local population which the Danish authorities do not consider desirable for the conduct of operations under this Agreement.
CONVENTION 1 BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERIES OF THE NORTHERN PACIFIC OCEAN AND BERING SEA, SIGNED AT OTTAWA, 2 MARCH 1953 2

Article 1. 1. The nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, respectively, are hereby prohibited from fishing for halibut (Hippoglossus) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to article 3 of this Convention.

2. “Convention waters” means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of Canada or of the United States of America from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

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1 U.S. Department of State, Treaties and other International Acts Series 2900; Statutes of Canada, 1953, Chapter 43, Schedule.
Annex to the First Part

NATIONAL LEGISLATION

Finland

(a) Act No. 463 of 18 August 1956 Concerning the Boundaries of the Territorial Waters of Finland

Article 1. The territorial waters of Finland shall comprise that portion of the sea immediately adjacent to the national territory which is bounded on the east, towards the Soviet Union, by the State sea frontier established in the Virolahti Archipelago in the Gulf of Finland by the Treaty of Peace signed in Paris on 10 February 1947 (690-691/47), and on the west, towards Sweden, by the State sea frontier established in the Torneä archipelago in the Gulf of Bothnia by the 1926-1927 frontier revision based on the Topographical Description signed on 19 January 1811 at Torneä after the Peace of Fredrikshamn and by the extension of the final section of that frontier. The outer limit of the territorial waters towards the open sea shall be constituted by the international territorial waters frontier, with the exception of the Aland Sea, south and north of Märket rock, where the boundary is constituted by the State sea frontier as established by the Topographical Description of 1811 and set out in the Convention of 20 October 1921 relating to the non-fortification and neutralization of the Aland Islands (64/22).

A single island, rock or skerry, or a composite group thereof, situated far out to sea may have independent territorial waters.

Article 2. The territorial waters shall be divided into the internal territorial waters and the external territorial waters, or territorial sea.

Article 3. The term “internal territorial waters” means that part of the territorial waters which is bounded on the landward side by the coastline and by river mouths, and on the seaward side, as its outer limit, by a broken line of which the reference or base points shall be the outermost points of the land, whether they be on the mainland or on islands, rocks or skerries.

Article 4. The base points referred to in article 3 shall be selected so that:

(1) They are above the surface of the water in relation to a low-water mark representing the point at or below which the water level has stood for an average of only half a day a year during the ten-year period immediately preceding the year in which this Act comes into force;

1) The texts of the following enactments have been provided by the Permanent Representative of Finland to the United Nations. Translation by the Secretariat of the United Nations.
(2) The distance between them does not exceed twice the breadth of the territorial sea;
(3) The internal territorial waters will be as wide as possible.
The base points shall be revised every thirty years.

Article 5. The territorial sea shall consist of the zone immediately adjoining the internal territorial waters, the outer limit of which, i.e., the international territorial waters frontier, shall be at a distance of four nautical miles, or 7,408 metres, from the outer limit of the internal territorial waters, except as otherwise provided in this Act.

Article 6. An island, rock or skerry, or a composite group thereof, which is situated so far out to sea as to lie outside the outer limit of the internal territorial waters, determined as provided in articles 3 and 4, shall have independent territorial waters, provided that the breadth of the territorial sea shall in such case be three nautical miles, or 5,556 metres.

Article 7. From the southern end of the eastern sea-frontier of the State, the outer limit of the territorial sea shall, at a distance of four nautical miles from the outermost land points, extend to the eastern end of the boundary delimiting the territorial sea of Finland, being the boundary established by the Treaty of Peace, signed in Paris on 10 February 1947, and running south of the Aspö archipelago in the direction of the parallel, and shall at that point merge with the said boundary.

From the western end of the boundary as referred to in the first paragraph, delimiting the territorial sea of Finland, the outer limit of the territorial sea shall extend westwards, along the extension of the said boundary, until it meets the outer limit defined in article 5.

In the Gulf of Bothnia, the last base point on the Finnish side of the Torneå archipelago shall be followed by a base point on the Swedish side.

Article 8. The base points for the outer limit of the internal territorial waters and the exact position of those points shall be set forth in an Order, which shall also give precise particulars of the low-water mark referred to in article 5 and embody such further provisions as may be necessary concerning the enforcement and application of this Act.

(b) ORDER NO. 464 OF 18 AUGUST 1956 CONCERNING THE APPLICATION OF THE ACT CONCERNING THE BOUNDARIES OF THE TERRITORIAL WATERS OF FINLAND

On the proposal of the Minister of Foreign Affairs and in pursuance of article 8 of the Act of 18 August 1956 concerning the boundaries of the territorial waters of Finland (463/56), it is hereby provided as follows:

Article 1. The low-water mark referred to in article 4, first paragraph, of the Act concerning the boundaries of the territorial waters of Finland (463/56) was found by observations made in the different sea areas to be below the mean water-level for the ten-year period 1946-1955 by the following distances:

In the Gulf of Finland, east of the 26th meridian: 80 centimetres, and between the 26th and the 24th meridian: 70 centimetres;

In the Gulf of Finland west of the 24th meridian, in the Åland Sea, in the Baltic Sea, and in the Gulf of Bothnia up to the 62nd parallel: 60 centimetres; and
In the Gulf of Bothnia, between the 62nd and the 63rd parallel: 70 centimetres, between the 63rd and the 64th parallel: 80 centimetres, between the 64th and the 65th parallel: 90 centimetres, and north of the last mentioned parallel: 100 centimetres.

**Article 2.** During the thirty-year period 1956-1985 the base points for the outer limit of the internal territorial waters, as referred to in article 4, first paragraph, of the Act mentioned in Article 1, shall be as follows:

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No. | Latitude  | Longitude | No. of chart year and month of printing |
--- | --------- | --------- | --------------------------------------|
140 | 63°45' 6" | 22°31'20" | 42/1955 XII |
141 | 63°51'52" | 22°37'18" | 42/1955 XII |
142 | 63°52'55" | 22°39'54" | 43/1955 XII |
143 | 63°55'41" | 22°43' 3" | 43/1955 XII |
144 | 63°56'11" | 22°44'24" | 43/1955 XII |
145 | 63°57'37" | 22°48'44" | 43/1955 XII |
146 | 63°57'30" | 22°53'57" | 43/1955 XII |
147 | 63°59'28" | 23° 9'43" | 43/1955 XII |
148 | 64° 4'56" | 23°22'42" | 53/1953 XI |
149 | 64° 5'34" | 23°24' 0" | 53/1953 XI |
150 | 64°11'55" | 23°33'14" | 53/1953 XI |
151 | 64°18'54" | 23°30'23" | 53/1953 XI |
152 | 64°19'44" | 23°37' 0" | 53/1953 XI |
153 | 64°26' 4" | 23°36'33" | 53/1953 XI |
154 | 64°18'58" | 23°31' 7" | 53/1953 XI |
155 | 64°18'32" | 23°49'24" | 53/1953 XI |
156 | 64°21'17" | 23°54'18" | 54/1952 VIII |
157 | 64°25' 2" | 24° 1'19" | 54/1952 VIII |
158 | 64°26'56" | 24° 5'30" | 54/1952 VIII |
159 | 64°32'16" | 24°15'10" | 54/1952 VIII |
160 | 64°39'31" | 24°19'25" | 55/1953 XII |
161 | 64°40'30" | 24°19'14" | 55/1953 XII |
162 | 64°40'55" | 24°19'26" | 55/1953 XII |
163 | 64°42' 8" | 24°21'18" | 55/1953 XII |
164 | 64°42'44" | 24°23'27" | 55/1953 XII |
165 | 64°49'12" | 24°31'42" | 56/1955 XI |
166 | 64°55'28" | 24°37'30" | 56/1955 XI |
167 | 65° 0'15" | 24°34'28" | 56/1955 XI |
168 | 65° 2'18" | 24°33'12" | 56/1955 XI |
169 | 65°5'10" | 24°37'50" | 56/1955 XI |
170 | 65°6'10" | 24°47'34" | 56/1955 XI |
171 | 65°9'28" | 24°54' 8" | 57/1955 XI |
172 | 65°14'20" | 24°46' 0" | 57/1955 XI |
173 | 65°14'46" | 24°44'18" | 57/1955 XI |
174 | 65°20' 8" | 24°39'22" | 58/1956 III |
175 | 65°24'52" | 24°49' 7" | 58/1956 III |
176 | 65°32'47" | 24°47'42" | 58/1956 III |
177 | 65°36'17" | 24°36'53" | 59/1955 I |
178 | 65°33'51" | 24°18'49" | 59/1955 I |
179 | 65°36'11" | 24°12'10" | 59/1955 I |
180 | 65°35' 9" | 23°57' 8") | (Svensk sjökarta n:r 101/1956 II) |

**Article 3.** The longitudes given in this Order are east of Greenwich.

**Article 4.** The outer limits of the internal territorial waters and of the territorial sea shall be marked out on appropriate charts by the Shipping Board. Each chart shall bear a certification by the Shipping Board that the boundaries have been marked out in accordance with the provisions of the Act concerning the boundaries of the territorial waters of Finland and of this Order.
The series of charts referred to in the first paragraph shall be kept in the State Archives.

(c) ORDER NO. 465 OF 18 AUGUST 1956 AMENDING THE ORDER CONTAINING CERTAIN PROVISIONS ON NEUTRALITY

On the proposal of the Minister of Foreign Affairs, article 3, item (2), second paragraph, of the Order of 3 June 1938 containing certain provisions on neutrality (226/38) shall be amended to read as follows:

Article 3. . . .

The limits of the internal territorial waters shall be as defined in the Act of 18 August 1956 concerning the boundaries of the territorial waters of Finland (463/56).

(d) ORDER NO. 466 OF 18 AUGUST 1956 AMENDING THE ORDER CONCERNING VISITS BY FOREIGN WARSHIPS, MERCHANT VESSELS AND AIRCRAFT TO FINNISH TERRITORY IN TIME OF PEACE

On the proposal of the Minister of Defence, article 2 of the Order of 28 April 1938 concerning visits by foreign warships, merchant vessels and aircrafts to Finnish territory in time of peace (178/38) shall be amended to read as follows:

Article 2. The term “Finnish territory” means the land and water areas situated within the national land and sea frontiers and the air space above those areas.

The water area of Finland shall comprise:

(a) Lakes, rivers and canals;
(b) The internal territorial waters as defined in the Act of 18 August 1956 concerning the boundaries of the territorial waters of Finland (463/56);
and
(c) The territorial sea as defined in that same Act.

Portugal

MEMORANDUM RECEIVED FROM THE PERMANENT REPRESENTATIVE OF PORTUGAL TO THE UNITED NATIONS

Legislative provisions relating to the territorial sea for purposes of fishing

(1) Act No. 735 of 10 July 1917 specifies that the outer limit of the territorial sea (metropolitan Portugal and adjacent islands) for the purposes of fishing shall be determined, with respect to foreign fishermen, by reference to the limit laid down in the legislation in force in the countries of the fishermen in question at the date of the promulgation of the said Act.

(2) Act No. 1514 of 18 December 1923 forbids fishing by aliens in the territorial sea (metropolitan Portugal and adjacent islands) as defined in Act. No. 735 of 10 July 1917.

(3) Decree No. 27,560 of 11 March 1937 made the provisions of the two foregoing Acts applicable to all the Overseas Provinces.

1) Translation by the Secretariat of the United Nations.
Legislative provisions relating to the territorial sea for customs purposes

(a) Metropolitan Portugal and Adjacent Islands: Article 46 (2) of Legislative Decree No. 31,665 of 22 November 1941 on Customs Reform (custom zone of six miles).
(b) Overseas Provinces: Article 104 (2) of Decree No. 31,105 of 15 January 1941 (customs zone of six miles).

Legislative provisions relating to the territorial sea, for the purposes of the prohibition of the discharge of oil

(a) Metropolitan Portugal and Adjacent Islands: (Decree No. 14,853 of 5 January 1928) Discharge prohibited within a distance of six miles from the Portuguese coast
(b) Overseas Provinces: (Decree No. 14,354 of 29 July 1927)