

DIVISION I
THE TERRITORIAL SEA AND THE CONTIGUOUS
ZONE

Sub-Division A. The Territorial Sea

Chapter I

STATUS, BREADTH AND DELIMITATION OF THE
TERRITORIAL SEA

1. ARGENTINA

(a) LAW NO. 17,094-M 24 OF 29 DECEMBER 1966**

Article 1. The sovereignty of the Argentine nation shall extend over the sea adjacent to its territory for a distance of 200 nautical miles measured from the line of the lowest tide, except in the cases of the San Matias, Nuevo and San Jorge gulfs, where it will be measured from the line joining the promontories which form their mouth.

Article 2. The sovereignty of the Argentine nation shall also extend over the seabed and the subsoil of the submarine zones adjacent to its territory up to a depth of 200 metres or, beyond this limit, up to that depth of the overlying waters which allows exploitation of the natural resources of those zones.

Article 3. The provisions of this law shall not affect freedom of navigation or of air traffic.

Article 4. Within ninety days from the date of promulgation of this law, the National Executive Power shall issue regulations establishing the terms under which foreign ships may conduct operations designed to explore and exploit the natural resources of the sea within the 200-nautical-mile zone referred to in this law.

(b) DECREE NO. 5106 OF 4 JANUARY 1967**

Article 1. Pending the issuance of the regulations referred to in article 4 of Law 17,094, the Naval Operations Command shall be authorized to issue to foreign fishing vessels which request them permits to carry out fishing operations in the Argentine territorial sea at a distance of no less than twelve miles from the coast.

Article 2. The Naval Operations Command shall ensure that vessels requesting such permits meet all the safety standards laid down in the International Convention for the Safety of Life at Sea.

- (c) LAW NO. 17,500 OF 25 OCTOBER 1967 CONCERNING THE PROMOTION OF FISHERIES, article 1¹

2. AUSTRALIA

- (a) WHALING ACT 1960 (No. 10 of 1960; 13 May 1960) section 5²
- (b) PETROLEUM (SUBMERGED LANDS) ACT 1967 (No. 118 of 1967; 22 November 1967), sections 5 and 6 and second schedule³
- (c) MINISTERIAL STATEMENT⁴ of 31 OCTOBER 1967 on TERRITORIAL SEA BASELINES

I wish to inform the House of certain adjustments that the Government has decided to make with regard to the baselines from which the breadth of the 3-miles belt of territorial sea around Australia and the external Territories will henceforth be measured. The adjusted baselines will also be used for the measurement of the breadth of the 12-miles exclusive fisheries zone which is the subject of a Bill now before the House. The changes accord with current rules of international law and are specifically authorised by the International Convention of the Territorial Sea and the Contiguous Zone, to which Australia and other countries, including Britain and the United States, are parties.

The general international rule that has hitherto applied, and that continues to apply under the Convention, is that the baseline for the measurement of the territorial sea follows the low-water line along the coast. However, it has long been recognised that straight baselines may be drawn across bays. The waters on the landward side of these baselines are technically known as "internal waters" and, in Australia's case, they form part of the State or Territory to which they are adjacent.

Under Australia's present policy, the straight baselines drawn across bays do not exceed 10 miles in length. The Convention authorises the drawing of straight baselines up to 24 miles in length across bays that meet the criteria specified in the Convention, and the Government has decided to apply this principle, wherever relevant, around the coasts of Australia and of the Territories.

Three deep indentations around the Australian coast—Shark Bay, St. Vincent Gulf and Spencer Gulf—all of which are "bays" under the criteria specified in the Convention, would not be completely enclosed by baselines 24 miles in length. Shark Bay, at least, is probably already under Australian sovereignty as an "historic" bay. But in any event the Convention authorises the drawing of straight baselines exceeding 24 miles in length where a coast-line is deeply indented or cut into, provided that no appreciable departure from the general direction of the coast is involved. Straight baselines will accordingly be drawn across the entrances to Shark Bay and the two South Australian Gulfs.

¹ *Infra* DIVISION IV. 1 (c).

² *Infra* DIVISION IV. 2 (c).

³ *Infra* DIVISION II. 2 (a).

⁴ *Parliamentary Debates* (Hansard), twenty-sixth Parliament, first session, 1967 (second period) House of Representatives, Tuesday, 31 October 1967. Statement by Mr. Bowen (Parramatta; Attorney-General).

STATES OF AUSTRALIA

QUEENSLAND

Mineral Resources (Adjacent Submarine Areas) Act of 1964 (No. 26 of 1964; 14 April 1964)
sections 2 and 4¹

VICTORIA

(a) *Fisheries Act 1958* (No. 6252; 30 September 1958) as amended²

PART I. PRELIMINARY

3. *Interpretation*

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

...

Waters

“Waters” includes all ports harbors lakes rivers creeks streams water-courses 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.

PART VI A. NOXIOUS FISH

51A. *Interpretation*

In this Part unless inconsistent with the context or subject-matter—

Victorian waters

“Victorian waters” includes all ports harbors lakes rivers creeks streams water-courses 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 and also includes any aquarium or any hatchery or any water or waters whatsoever in Victoria whether or not the property of any private individual.

¹ *Infra* DIVISION II, 2. *States of Australia, Queensland (a)*.

² By the Fisheries (Amendment) Act 1967 (No. 7641; 19 December 1967). The Fisheries Act 1928 quoted in ST/LEG/SER.B/6, p. 1 was repealed by section 2(1) and second schedule of the Fisheries Act 1958.

(b) *Local Government Act 1958* (No. 6299, 30 September 1958) as amended¹

PART I. THE CONSTITUTION OF MUNICIPALITIES GENERALLY

Division 1. Incorporation and Government of Municipalities and Boundaries of Districts

...

Section 12

...

(4) *Boundaries of municipalities*

Where in the Second Schedule to the *Local Government Act 1890* or in any document whether made before or after the commencement of this Act the boundary of the municipal district of any municipality (including the city of Melbourne and the city of Geelong) or of any subdivision of any such municipal district is described as or by reference to the sea-coast (whether such reference is to the sea-shore, to the waters of the sea or to any bay, or in any other way) such boundary shall be the line for the time being of the high water mark on the relevant sea-coast.

(c) *Underseas Mineral Resources Act 1963* (No. 7095; 10 December 1963), section 2²

WESTERN AUSTRALIA

Fisheries Act, 1905-1966 (No. 38 of 1966; 31 October 1966).

PART I. PRELIMINARY

3. *Interpretation*

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

3. BRAZIL

LAW-DECREE³ NO 56 OF 28 APRIL 1969 EXTENDING FROM SIX TO TWELVE NAUTICAL MILES THE BREADTH OF THE TERRITORIAL SEA

Article 1. The territorial sea of the Federal Republic of Brazil comprises all waters along its coastline from Cape Orange, at the mouth of River Oiapoque, to

¹ Most recently by the Local Government (Municipalities Assistance Fund) Act 1967 (No. 7626; 12 December 1967).

² *Infra* DIVISION II. 2. *States of Australia, Victoria (a)*.

³ By this Law-Decree, the Law-Decree No. 44 of 18 November 1966 and all other rules contrary to it have been revoked. See also circular No. 43 of 25 August 1914 from the Ministry for Foreign Affairs to the Ministers of the Navy and of War and to the State Governors regarding the extent of the territorial waters, published in ST/LEG/SER. B/6, p. 2.

the brook Chui, in the State of Rio Grande do Sul, in a belt of twelve nautical miles in width, measured from the low-water mark adopted as reference on the Brazilian nautical charts.

Paragraph. In localities where the coastline, including the islands, is deeply indented, forming bays, inlets or other indentations, the twelve miles referred above shall be measured from straight baselines joining the two closest opposite points of the inflection of the coast, separated by a distance of twenty-four nautical miles or less.

4. BURMA

DECLARATION OF 15 NOVEMBER 1968 BY THE CHAIRMAN OF THE REVOLUTIONARY COUNCIL OF THE UNION OF BURMA ON THE TERRITORIAL SEA OF THE UNION OF BURMA

Whereas International Law has always recognised 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 sea of the State, and consequently it is necessary to make a declaration as to the extent of the territorial sea of the Union of Burma, the Chairman of the Revolutionary Council of the Union of Burma hereby declares—

1. That notwithstanding any rule of law or practice to the contrary which may have been observed in the past relating to the Union of Burma or any part thereof, the territorial sea of the Union of Burma shall extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

2. Except as provided for in paragraph 3, the low-water line along the coast, as marked on large-scale charts officially recognised by the Government of the Union of Burma, shall be the baseline for measuring the breadth of the territorial sea of the Union of Burma.

3. That where it is necessary by reason of the geographical conditions prevailing on the Union of Burma coasts, and for the purpose of safeguarding the vital economic interest of the inhabitants of the coastal regions, to establish the system of straight baselines drawn between fixed points on the mainland, on islands or rocks, the breadth of the territorial sea shall be measured from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the schedule annexed to this declaration.

4. That where a single island, rock, or a composite group thereof, is situated seawards from the main coast or straight baselines, it shall have independent territorial sea extending twelve nautical miles from the low-water line along its coasts.

SCHEDULE

1. ARAKAN COAST

(a) Southern Point of OYSTER ISLAND	Lat	20° 11' 49" N
	Long	92° 32' 19" E
(b) BORONGA POINT	Lat	19° 48' 30" N
	Long	93° 01' 42" E
(c) SOUTH TERRIBLES	Lat	19° 22' 56" N
	Long	93° 16' 20" E
(d) Western Point of HENRY ROCKS	Lat	18° 51' 48" N
	Long	93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND	Lat	18° 20' 50" N
	Long	93° 56' 25" E
(f) St. JOHN'S or CHURCH ROCKS	Lat	17° 27' 39" N
	Long	94° 19' 46" E
(g) NORTH-WEST GROUP	Lat	16° 55' 28" N
	Long	94° 12' 45" E
(h) KORONGE ISLAND	Lat	16° 31' 20" N
	Long	94° 14' 21" E
(i) SOUTH ROCK	Lat	16° 18' 55" N
	Long	94° 11' 20" E
(j) BLACK ROCK	Lat	16° 11' 50" N
	Long	94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT)	Lat	15° 42' 13" N
	Long	94° 12' 6" E

2. GULF OF MARTABAN

(a) ALGUADA REEF (PATHEIN LIGHT)	Lat	15° 42' 13" N
	Long	94° 12' 6" E
(b) Western Point of LONG ISLAND	Lat	14° 24' 15" N
	Long	97° 46' 02" E

3. TENASSERIM COAST

(a) Western Point of LONG ISLAND	Lat	14° 24' 15" N
	Long	97° 46' 02" E
(b) NORTH ISLAND	Lat	14° 09' N
	Long	97° 46' 54" E
(c) Western Point of CABUSA ISLAND	Lat	12° 48' N
	Long	97° 50' 03" E
(d) Northern Point of SAURIM ISLAND	Lat	12° 30' 30" N
	Long	97° 47' 42" E
(e) Western Point of H. PRINCEP ISLAND	Lat	12° 03' 03" N
	Long	97° 38' E
(f) GREAT WESTERN TORRES	Lat	11° 47' 15" N
	Long	97° 26' 15" E
(g) North-Western Point of NORTH TWIN	Lat	10° 38' 15" N
	Long	97° 41' 45" E
(h) Western Point of SOUTH TWIN	Lat	10° 28' 12" N
	Long	97° 40' 45" E
(i) WESTERN ROCKY ISLAND	Lat	9° 51' 24" N
	Long	97° 52' 18" E
(j) HAYCOCK ISLAND	Lat	9° 40' 45" N
	Long	97° 54' 30" E
(k) Western Point of MURRAY ISLAND	Lat	9° 35' 54" N
	Long	97° 58' 12" E

5. CAMBODIA

DÉCLARATION DU GOUVERNEMENT ROYAL EN DATE DU 27 SEPTEMBRE 1969 RELATIVE À LA MER TERRITORIALE ET AU PLATEAU CONTINENTAL DU CAMBODGE

En rappelant que le Cambodge a adhéré aux dispositions des Conventions de Genève sur le droit de la mer,

Le Gouvernement royal déclare solennellement que la largeur de sa mer territoriale est fixée à douze milles marins,

Et réaffirme solennellement sa pleine et entière souveraineté sur son plateau continental. Il en résulte, en particulier, que le fond et le sous-sol de ce plateau ainsi que les ressources naturelles de toute nature qui s'y trouvent sont la propriété du Cambodge et, sont, par conséquent, placés sous sa juridiction exclusive et son contrôle directe.

Le Gouvernement royal n'admet ni ne reconnaît en aucun cas tout fait accompli ou tout acte portant atteinte à sa souveraineté sur son domaine maritime national.

6. CAMEROON

LOI N° 67/LF/25 DU 3 NOVEMBRE 1967 MODIFIANT L'ARTICLE 5 DU CODE DE LA MARINE MARCHANDE CAMEROUNAISE

Article 1^{er}. — L'article 5 de l'ordonnance n° 62/OF/30 du 31 mars 1962 portant Code de la marine marchande camerounaise est abrogé et remplacé par les dispositions ci-après:

...

Article 5 (nouveau). — La limite des eaux territoriales de la République Fédérale du Cameroun est fixée à dix-huit milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies et rades, des décrets fixent les lignes à partir desquelles cette limite est comptée.

Des décrets fixent également la limite de la « zone contiguë » dans laquelle la pêche et l'exploitation du sol sous-marin peuvent être réservées aux nationaux camerounais.

7. CANADA

(a) CANADA SHIPPING ACT,¹ AS AMENDED

...

Section 2

...

7(a) "Canadian waters" means the territorial sea of Canada and all internal waters of Canada.

¹ *Infra* Chapter II. 3 (a).

(b) CUSTOMS ACT, AS AMENDED¹

...

Section 2

(1) ...

(b) "Canadian waters" means all waters in the territorial sea of Canada and all internal waters of Canada, subject, however, to the specific provision that 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;"

(c) CRIMINAL CODE, AS AMENDED, Section 420²(d) COASTAL FISHERIES PROTECTION ACT, 1953, AS AMENDED, section 2³(e) TERRITORIAL SEA AND FISHING ZONE ACT⁴ (16 JULY 1964)

PART I. GENERAL

2. *Applies to Acts of Parliament, regulations, etc.*

Every provision of this Act extends and applies to every Act of the Parliament of Canada, now or hereafter passed, and to every order, rule or regulation thereunder, except in so far as any such provision is inconsistent with the intent or object of such Act, order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is, in any such Act, order, rule or regulation, declared not applicable thereto.

3. (1) – *Territorial sea*

Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant three nautical miles from the nearest point of the baseline.

(2) – *Internal waters include certain sea areas*

The internal waters of Canada include any areas of the sea that are on the landward side of the baselines of the territorial sea of Canada.

¹ R.S.C. 1952, Vol. 2, Chap. 58; as amended by the Territorial Sea and Fishing Zones Act (*infra* under (e)). For other relevant text, see ST/LEG/SER.B/1, p. 54, ST/LEG/SER.B/6, p. 95 and ST/LEG/SER.B/8, p. 19.

² S.C. 1953-1954, Chap. 51. Assented to 26 June 1954. Amended by section 10 of the Territorial Sea and Fishing Zones Act. See *infra* Chapter V. 2 (a).

³ See *infra* DIVISION IV. 4 (c).

⁴ 1964 *Statutes of Canada*, Ch. 22. Assented to 16 July 1964.

4. (1) – *Fishing zones*

Subject to any exceptions under section 5, the fishing zones of Canada comprise those areas of the sea contiguous to the territorial sea of Canada and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, lines measured seaward and equidistant from such inner limits so that each point of the outer limit line of a fishing zone is distant nine nautical miles from the nearest point of the inner limit line.

(2) – *Fisheries laws of Canada apply to fishing zones*

Unless otherwise specified therein, the laws of Canada respecting fishing and the exploitation of the living resources of the sea apply to the fishing zones of Canada in the same way and to the same extent as they apply to the territorial sea of Canada.

5. (1) – *Lists of geographical co-ordinates*

The Governor in Council may, by order in council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

(2) – *Baselines where co-ordinates listed*

In respect of any area for which geographical co-ordinates of points have been listed in a list issued pursuant to subsection (1) and subject to any exceptions in the list for the use of the low-water line along the coast as the baseline between given points, baselines are straight lines joining the consecutive geographical co-ordinates of points so listed.

(3) – *Baselines in other area*

In respect of any other area and until such time as geographical co-ordinates of points have, for such other area, been listed in a list issued pursuant to subsection (1), baselines remain those applicable immediately before the coming into force of this section.

(4) – *Substitution of outer limit lines in certain cases*

Where, in his opinion, a portion of the territorial sea of Canada or a portion of the fishing zones of Canada, determined, respectively, in accordance with subsection (1) of section 5 or subsection (1) of section 4, would conflict with the territorial sea of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order in council, issue a list of geographical co-ordinates of points from which,

(a) in respect of the portion of the territorial sea of Canada designated on the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection (1) of section 3, and

(b) in respect of the portion of the fishing zones of Canada designated in the list, an outer limit line may be determined in substitution for the fishing zone outer limit line described in subsection (1) of section 4, and the outer limit lines referred to in paragraphs (a) and (b) shall, thereupon, be substituted.

(5) – *No fishing zone in certain cases*

Where an outer limit line of a portion of the territorial sea of Canada has been substituted pursuant to subsection (4) of this section, section 4 shall not apply to create a contiguous fishing zone in respect of such portion.

6. – *Issue of charts*

The Minister of Mines and Technical Surveys may cause charts to be issued delineating the territorial sea of Canada and the fishing zones of Canada or of any portions thereof as may be delineated consistent with the nature and scale of the chart.

...

(f) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 1, 2 AND 3) ORDER (26 OCTOBER 1967)¹

...

2. In this Order,

- (a) "Act" means the *Territorial Sea and Fishing Zones Act*;²
- (b) "Area" includes all islands and low-tide elevations adjacent to the Area;
- (c) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and
- (d) "geographical co-ordinates of points" means the latitude and longitude of points determined by reference to columns II and III of the Schedules.

3. This Order applies to

- (a) Area 1 being Labrador, from Double Island to Cabot Island;
- (b) Area 2 being Southwest and East Newfoundland, from Lamaline Shag Rock to Eastern White Island; and
- (c) Area 3 being Southwest Newfoundland, from Cape Bay to S.W. Wolf Rock.

4. The lists of geographical co-ordinates of points set out in the Schedules are hereby issued as lists of geographical co-ordinates of points from which baselines may be determined pursuant to the Act.

SCHEDULE A

AREA 1

Labrador

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
1. Double Island.....	52°15'30"N.	55°32'58"W.	4701
2. Spear Point.....	52°26'37"N.	55°37'40"W.	4701
3. Eastern Twin Island.....	52°40'20"N.	55°44'43"W.	4702
4. Cooper Island.....	52°54'37"N.	55°47'26"W.	4702
5. Eddystone Island.....	52°58'55"N.	55°44'34"W.	4702

¹ SOR/67-543 *Canada Gazette, Part II*, vol. 101, No. 21, November 8, 1967; P.C. 1967-2025.

² *Supra* under (e).

SCHEDULE A—cont.

AREA 1—cont.

Labrador—cont.

	Column I Locality	Column II Latitude	Column III Longitude	Column IV C.H.S. Chart
6.	S. E. Raven	53°12'23"N.	55°41'19"W.	4702
7.	Roundhill Island	53°25'58"N.	55°36'22"W.	4703
8.	North Wolf	53°43'06"N.	55°55'10"W.	4703
9.	Outer Gannet Island	54°00'00"N.	56°32'12"W.	4732
10.	South-east Rock	54°14'58"N.	56°48'22"W.	4732
11.	East Rock	54°27'06"N.	56°51'08"W.	4732
12.	Quaker Hat	54°44'08"N.	57°20'28"W.	4730
13.	Cape Harrison	54°55'35"N.	57°54'35"W.	4730
14.	Ragged Islands	55°00'55"N.	58°11'30"W.	4730
15.	Kidlialuit Island	55°12'20"N.	58°44'05"W.	4730
16.	Turnavik Island	55°18'40"N.	59°19'20"W.	4730
17.	White Bear	55°26'08"N.	59°30'32"W.	4730
18.	Nanuktok Island	55°51'55"N.	59°54'30"W.	4730
19.	Kidlit Island	56°14'22"N.	60°27'29"W.	4730
20.	Flat Rocks	56°22'02"N.	60°30'13"W.	4730
21.	Hen and Chicken Islands	56°30'08"N.	60°37'27"W.	4730
22.	Sentinel Rock	56°48'20"N.	60°47'24"W.	4775
23.	Trio Islands	56°53'58"N.	60°59'02"W.	4763
24.	Orphan Island	57°02'28"N.	61°08'27"W.	4763
25.	Barnes Island	57°12'26"N.	61°18'40"W.	4763
26.	Kikiktaksoak Island	57°16'24"N.	61°18'07"W.	4763
27.	Stirrup Island	57°34'27"N.	61°18'37"W.	4775
28.	White Bear Island	57°55'15"N.	61°39'49"W.	4775
29.	Watchman Island	58°13'43"N.	62°06'56"W.	4775
30.	Bluebell Island	58°30'06"N.	62°34'32"W.	4775
31.	Big Island	58°33'03"N.	62°38'08"W.	4775
32.	Reichel Head	58°49'02"N.	62°54'38"W.	4776
33.	Gulch Cape	59°02'40"N.	63°07'43"W.	4776
34.	Big White Bearskin Island	59°21'47"N.	63°25'04"W.	4776
35.	Unnamed Islet	59°37'22"N.	63°29'10"W.	4776
36.	Galvano Group	59°50'54"N.	63°46'00"W.	4776
37.	Galvano Group	59°54'35"N.	63°47'58"W.	4776
38.	Galvano Group	59°59'32"N.	63°52'25"W.	4776
39.	Unnamed Island	60°05'04"N.	63°57'30"W.	4776
40.	Gaspar Islands	60°15'41"N.	64°12'54"W.	4776
41.	Argo Island	60°19'43"N.	64°17'45"W.	4776
42.	Cabot Island	60°26'20"N.	64°25'47"W.	4776

AREA 2

South-east and East Newfoundland

	Column I Locality	Column II Latitude	Column III Longitude	Column IV C.H.S. Chart
1.	Lamaline Shag Rock	46°50'21"N.	55°49'30"W.	4016
2.	Shag Rock	46°50'17"N.	55°44'51"W.	4016
3.	Offer Island	46°51'21"N.	55°37'25"W.	4016

SCHEDULE A—Cont.

AREA 2—Cont.

South-east and East Newfoundland—Cont.

<i>Column I</i> <i>Locality</i>	<i>Column II</i> <i>Latitude</i>	<i>Column III</i> <i>Longitude</i>	<i>Column IV</i> <i>C.H.S. Chart</i>
4. Ferryland Head	46°52'16"N.	55°23'04"W.	4016
5. Cape St. Marys	46°49'14"N.	54°11'54"W.	4016
6. S. W. Bull and Cow	46°46'34"N.	54°06'13"W.	4016
7. Shoal Point	46°36'50"N.	53°35'12"W.	4016
8. Cape Freels	46°36'42"N.	53°33'30"W.	4016
9. Mistaken Point	46°37'29"N.	53°09'48"W.	4016
10. Cripple Rock Point	46°38'29"N.	53°06'08"W.	4016
11. Big Johns Point	46°38'36"N.	53°05'51"W.	4016
12. Unnamed Peninsula	46°38'45"N.	53°05'32"W.	4016
13. Cape Race	46°39'30"N.	53°04'18"W.	4016
14. Cape Ballard	46°47'16"N.	52°56'52"W.	4016
15. Renewse Rocks	46°52'39"N.	52°54'00"W.	4016
16. Bear Cove Point	46°56'27"N.	52°53'33"W.	4016
17. Hare's Ears	47°00'57"N.	52°51'13"W.	4016
18. Cape Broyle	47°03'47"N.	52°51'08"W.	4016
19. Great Island	47°10'57"N.	52°48'32"W.	4016
20. Green Island	47°14'10"N.	52°46'45"W.	4016
21. Bull Head	47°18'34"N.	52°44'51"W.	4016
22. Motion Rocks	47°26'11"N.	52°39'31"W.	4016
23. North Head	47°29'04"N.	52°38'03"W.	4016
24. Cape Spear	47°31'25"N.	52°37'13"W.	4016
25. Redcliff Head	47°38'50"N.	52°39'38"W.	4016
26. Torbay Point	47°39'57"N.	52°40'08"W.	4016
27. Red Head	47°43'20"N.	52°42'01"W.	4016
28. *Black Head North	47°45'22"N.	52°42'43"W.	4016
29. *Black Head North	47°45'29"N.	52°42'51"W.	4016
30. Pigeon Island	47°48'17"N.	52°46'19"W.	4016
31. Cape St. Francis	47°48'34"N.	52°47'12"W.	4016
32. Split Point	48°06'06"N.	52°51'00"W.	4563
33. North Head	48°32'49"N.	53°00'13"W.	4562
34. Flowers Point	48°35'56"N.	52°59'48"W.	4562
35. Flowers Point	48°35'59"N.	52°59'48"W.	4562
36. South Bird Island	48°37'30"N.	53°00'34"W.	4562
37. North Bird Island	48°38'07"N.	53°00'54"W.	4562
38. Cape L'Argent	48°39'29"N.	53°01'48"W.	4562
39. Gull Island	48°42'47"N.	53°05'32"W.	4562
40. Eastern Cabot Island	49°10'23"N.	53°21'30"W.	4520
41. Gull Island	49°15'26"N.	53°25'46"W.	4520
42. Outer Cat Island	49°19'55"N.	53°35'19"W.	4520
43. Offer Wadham Island	49°35'42"N.	53°45'42"W.	4520
44. S. E. Barrack Island	49°47'30"N.	53°59'04"W.	4520
45. Bishops Island	49°49'52"N.	54°04'49"W.	4520
46. N. E. Turr Islet	49°50'11"N.	54°08'45"W.	4520
47. Gull Island	50°00'01"N.	55°21'15"W.	4520
48. Gull Island	50°00'08"N.	55°21'48"W.	4520
49. North Bill	50°00'20"N.	55°30'00"W.	4520

* See Schedule B.

SCHEDULE A—Cont.

AREA 2—Cont.

South-east and East Newfoundland—Cont.

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
50. Bois Island	50°01'43"N.	55°52'48"W.	4520
51. Cape Crapaud	50°08'15"N.	56°04'20"W.	4520
52. Partridge Point	50°09'14"N.	56°07'08"W.	4520
53. Twillingate Head	50°39'00"N.	56°07'33"W.	4583
54. Cape Fox	50°51'33"N.	55°53'31"W.	4583
55. Cape Rouge	50°55'30"N.	55°49'36"W.	4583
56. St. Julien Island	51°06'15"N.	55°42'51"W.	4515
57. Fichot Island	51°10'33"N.	55°40'38"W.	4515
58. Crow Head	51°22'19"N.	55°29'49"W.	4514
59. Eastern White Island	51°34'52"N.	55°21'00"W.	4731

SCHEDULE A—Cont.

AREA 3

South-west Newfoundland

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
1. Cape Ray	47°37'15"N.	59°18'20"W.	4015
2. Shag Island	47°35'20"N.	59°14'54"W.	4015
3. Duck Island	47°33'48"N.	59°11'35"W.	4015
4. Yankee Rock	47°33'28"N.	59°10'28"W.	4015
5. S. E. Rock	47°33'55"N.	58°59'40"W.	4015
6. S. W. Shag Rock	47°35'32"N.	58°43'15"W.	4015
7. Black Rock	47°35'52"N.	58°41'35"W.	4015
8. Ireland Island	47°37'48"N.	58°22'25"W.	4015
9. Offer Island	47°38'25"N.	58°13'30"W.	4015
10. Miffel Island	47°33'20"N.	57°39'55"W.	4015
11. South Turr Islet	47°30'05"N.	57°26'50"W.	4015
12. Colombier Island	47°22'36"N.	56°59'38"W.	4015
13. Lord Island	47°22'30"N.	56°58'58"W.	4015
14. Distress Rock	47°31'50"N.	56°48'05"W.	4015
15. Black Point	47°36'40"N.	56°30'15"W.	4015
16. S. W. Wolf Rock	47°28'50"N.	56°13'40"W.	4015

SCHEDULE B

AREA 2

South-east and East Newfoundland

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
28. Black Head North	47°45'22"N.	52°42'43"W.	4016
29. Black Head North	47°45'29"N.	52°42'51"W.	4016

SCHEDULE C

AREA 1

Labrador

<i>Name of Feature</i>	<i>C.H.S. Chart</i>
Bulldog Island	4730

AREA 2

South-east and East Newfoundland

<i>Column I Name of feature</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
1. Baccalieu Island	—	—	4563
2. Funk Island	—	—	4520
3. St. Barbe Islands	—	—	4520
4. Gray Islands	—	—	402
5. The Brandies	47°48'43''N.	52°46'38''W.	4016
6. Whalesback	48°35'20''N.	52°59'33''W.	4562
7. Flowers Point	48°36'09''N.	52°59'39''W.	4562

8. COLOMBIA

(a) DECREE OF 6 NOVEMBER 1866**

...

Article 1

The entire sea skirting the Colombian coast from the highest tides up to a distance of one marine league from the coast itself is hereby declared to belong to the territory of Colombia and to be under its jurisdiction.

(b) LAW¹ No. 120 OF 30 DECEMBER 1919 CONCERNING DEPOSITS OF HYDROCARBONS**

...

Article 38

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.

¹ Quoted also in ST/LEG/SER. B/6, p. 5.

(c) LAW NO. 14 OF 31 JANUARY 1923 AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS**

...

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 sea 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.

(d) CUSTOMS LAW¹ NO. 79 OF 19 JUNE 1931**

SECTION XVII. PROVISIONS CONCERNING IMPLEMENTATION OF THE CUSTOMS LAW

Chapter LXXVIII

Boarding of Vessels

...

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.

(e) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE**

...

Chapter III. Jurisdiction

Article 80

The Columbian Merchant Marine Directorate and its various subsidiary bodies shall exercise their functions and powers in all the maritime ports of the Republic, in national territorial waters and in all the navigable frontier rivers of Colombia.

¹ See ST/LEG/SER.B/6, pp. 114-116.

Paragraph 1. For the purposes of the present Decree, territorial waters shall be deemed to mean the sea area skirting the mainland and island territory of the Republic up to a distance of three (3) sea miles measured from the lowest tide mark.

Paragraph 2. For the purposes of maritime vigilance, national security, protection of national interests and the exercise of fishing rights, the distance of three sea miles referred to in the foregoing paragraph shall be extended in contiguous waters up to nine (9) sea miles from the outer limit of the territorial sea.

Paragraph 3. The boundary between territorial waters and the inner waters of bays, gulfs, lakes and rivers shall be the straight line which, at the lowest tide, joins the corresponding points at each side of the entrance.

9. CUBA

(a) ACT OF 31 OCTOBER 1890 CONCERNING PORTS**

Article 1

The maritime-terrestrial zone, which is that region of the coast or maritime frontiers of Cuba washed by the ebb and flow of the sea, in which the tides can be measured or when they cannot, as during storms, when the highest waves can be measured.

This maritime-terrestrial zone shall also extend along the banks of rivers as far as they are navigable or up to the point where they are affected by tides.

...

(b) MILITARY ORDER NO.173 OF 22 JUNE 1901. CUSTOM ORDINANCES**

...

Article 64

...

2. -

Cuba's territorial waters shall extend four leagues (12 miles) from the coast of the Island or from the keys appertaining thereto.

(c) LEGISLATIVE DECREE NO.108 OF 8 JANUARY 1934**

...

Article 6

Cuba's territorial waters or maritime frontiers shall extend six miles from the coast or from the fringe of keys which surround it.

The waters between the islands, islets or keys and the land territory of Cuba shall be internal waters and their use for purposes of shipping, fishing and development shall be subject to the laws and regulations in force or which may be adopted.

...

(d) LEGISLATIVE DECREE NO. 704 OF 28 MARCH 1936. GENERAL ACT RELATING TO FISHING**

...

Article 4. For the purposes of fishing whatever the form, purpose or method, Cuba's territorial waters shall extend three miles from the coastline.

Article 5. For the purposes of this Legislative Decree, the coastline shall mean the water line along the coast at low tide. In ports, rivers, inlets and other indentations, this shall be a straight baseline joining their outermost points provided it does not extend beyond 6 miles.

...

(e) CODE OF SOCIAL DEFENCE**

...

Article 7

...

D. For the purposes of this Code, the territorial sea shall be the waters adjacent to the coasts of Cuba up to a distance of three nautical miles, measured from the low-water line on its most distant adjacent key or island, and following the contours of the national territory and of its keys or islands.

(f) LEGISLATIVE DECREE NO. 1948 OF 25 JANUARY 1955**

Article 1

The waters lying between the coasts of the Island and the adjacent keys, when the distance between them or the distance between the keys does not exceed ten miles.

Article 2

The Cuban State may take the legal, administrative or technical measures necessary for the protection and conservation of the marine resources of the areas of the high sea contiguous to the Cuban territorial sea.

10. CYPRUS

(a) CRIMINAL CODE, CHAPTER 154 OF THE LAWS. 1959 EDITION. Section 5¹

(b) TERRITORIAL SEA LAW², NO. 45 OF 6 AUGUST 1964

...

2. *Interpretation*

In the present law, unless a different meaning emerges from the text—"territorial sea" means such part of the sea touching upon the shore of the Republic as is considered part of its territory and is subject to the sovereignty of the Republic.

3. *Breadth of the territorial sea*

Notwithstanding the provisions of any other law, the territorial sea of the Republic extends to a distance of twelve miles from the shore of the Republic measured from low-water mark.

11. DAHOMEY

(a) LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINs TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY, article 1^{er}³

(b) DÉCRET GOUVERNEMENTAL N° 74/PR/MTPTT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY

Article 1^{er}. — Les eaux territoriales de la République du Dahomey sont fixées à une distance de douze milles marins à compter de la laisse de basse mer, et

¹ *Infra* Chapter V. 3.

² *Official Gazette* dated 6 August 1964. The reasons for the enactment of the above law are explained in a *note verbale* of 4 April 1967 from the Ministry of Foreign Affairs of the Republic of Cyprus as follows:

- (a) In determining the extent of its territorial sea, the Republic of Cyprus has followed the practice already adopted by almost all Mediterranean countries in extending their territorial waters beyond the three-mile limit, provided by the old rule—the "canon shot" rule;
- (b) Internationally, it is no longer recognized that there is any rule of customary or positive international law preventing the extension of the limit of the territorial sea of a State up to a distance of twelve miles;
- (c) On the contrary, the practice followed by the majority of States is to extend their territorial sea beyond the three-mile limit, a limit which has nowadays proved obsolete and inappropriate;
- (d) The geographical position of the Republic of Cyprus and reasons relating to the protection, security and well-being of its people, made such extension imperative;
- (e) The above law of the Republic of Cyprus is not at variance with the principle of the "freedom of the high seas", which, according to international law, commences beyond the twelve-mile limit.

³ *Infra* DIVISION IV. 7 (a).

en ce qui concerne les estuaires, à compter du premier obstacle à la navigation maritime, tel qu'il est défini par la réglementation maritime en vigueur.

Article 2. — A l'intérieur des eaux territoriales dahoméennes, la pêche est et demeure réservée aux pêcheurs dahoméens et est interdite aux ressortissants étrangers qui ne seraient pas titulaires d'autorisations réglementaires dahoméennes.

Article 3. — Au-delà de cette zone de douze milles marins définie à l'article 1^{er}, et dans une zone large de quatre-vingt-huit milles marins, s'étendant ainsi jusqu'à cent milles marins au large de la laisse de basse mer, ou du premier obstacle à la navigation, la République du Dahomay se réserve tous droits quant à l'exploitation du sous-sol sous-marin.

12. DENMARK

(a) ORDER¹ NO. 191 OF 27 MAY 1963 ON THE DELIMITATION OF THE TERRITORIAL SEA OF GREENLAND**

Article 1

(1) The territorial waters of Greenland shall consist of the internal waters and the territorial sea.

(2) The territorial sea shall comprise those areas of the sea which to landward are bounded by the lines specified in article 2 and to seaward by lines drawn in such a manner that the distance from every point on these lines to the nearest point on the inner boundary line is three nautical miles (5,556 metres).

(3) The internal waters shall comprise those water areas, such as harbours, harbour entrances, roadsteads, bays, fiords, sounds, belts and other waters, which are situated inside the lines specified in article 2.

Article 2

The lines which, in accordance with article 1, are taken as a basis for the delimitation of the territorial sea and the inland waters shall consist of the coastline (low-water mark at mean spring-tide) or of straight lines between the following points:

(All positions given in degrees and decimal minutes)

No.	Position	Designation
1. Sea Chart No. 1100	1 59° 44.7' N. 43° 53.6' W.	Southernmost island south of Cape Farvel (Ūmánarsuaq)
	2 59° 44.8' N. 44° 10.9' W.	Nunat
	3 59° 50.8' N. 44° 59.3' W.	Small island directly south of Kulusuk
	4 59° 58.6' N. 45° 21.9' W.	Naujat

¹ Came into force on 1 June 1963.

<i>No.</i>	<i>Position</i>	<i>Designation</i>
1 Sea Chart No. 1100	5 60° 16.0' N. 45° 38.0' W.	Īkardluk
	thence a straight line to	
	6 60° 26.1' N. 45° 58.0' W.	Tukingasek (Tukingassoq)
	thence a straight line to	
	7 60° 37.3' N. 46° 43.4' W.	Island SSW of Angissit
	thence a straight line to	
	8 60° 39.2' N. 46° 53.7' W.	Island about 1/2 nautical mile south of Umita
	thence a straight line to	
	9 60° 34.7' N. 47° 34.9' W.	Southernmost Qeqertat
	thence a straight line to	
	10 60° 39.6' N. 48° 01.5' W.	Island south of Agdlerússat avangnarlit
	thence a straight line to	
	11 60° 43.4' N. 48° 24.9' W.	Island 2 1/2 nautical miles south of Thorstein Islaender (Ūmánaq)
	thence a straight line to	
12 60° 43.8' N. 48° 26.5' W.	Island 2 nautical miles south of Thorstein Islaender (Ūmánaq)	
thence a straight line to		
13 60° 45.1' N. 48° 29.1' W.	Island 1 1/2 nautical miles WSW of Thorstein Islaender (Ūmánaq)	
thence a straight line to		
14 60° 45.8' N. 48° 29.6' W.	Island 1 1/2 nautical miles west of Thorstein Islaender (Ūmánaq)	
thence a straight line to		
1. and 2. Sea Chart No. 1100-1200	15 61° 03.1' N. 48° 38.1' W.	Ūmánárssuk
	thence a straight line to	
2. Sea Chart No. 1200	16 61° 14.6' N. 48° 57.4' W.	Sermersût Umana (Sermersût mûánárssua)
	thence a straight line to	
	17 61° 31.4' N. 49° 23.0' W.	Qioqe
	thence a straight line to	
	18 61° 45.1' N. 49° 37.6' W.	Island south of Frederikshåbs Umanak
	thence a straight line to	
	19 61° 56.0' N. 49° 48.9' W.	Frederikshåb Qioqe
	thence a straight line to	
	20 62° 12.0' N. 50° 02.0' W.	Island west of Qagssissalik
	thence a straight line to	
	21 62° 23.1' N. 50° 16.0' W.	Ikermiut
thence a straight line to		
22 62° 28.3' N. 50° 21.5' W.	Tulugartalik	
thence a straight line to		
23 62° 42.4' N. 50° 33.9' W.	Søndre Kitdlit	
thence a straight line to		
24 63° 02.1' N. 51° 00.1' W.	Hellefiskeøer (Qagssissagdlit)	
thence a straight line to		
25 63° 08.3' N. 51° 10.3' W.	Kitdlit	
2. and 3. Sea Chart No. 1200-1300	thence a straight line to	
	26 63° 22.8' N. 51° 24.0' W.	Island about 2 1/2 nautical miles SSW of Qilángáussua
3. Sea Chart No. 1300	thence a straight line to	
	27 63° 43.4' N. 51° 45.1' W.	Qernertut
	thence a straight line to	
	28 63° 59.6' N. 52° 11.3' W.	Kookøerne (Kitsigsut)
thence a straight line to		
29 64° 00.1' N. 52° 11.8' W.	Kookøerne (Kitsigsut)	
thence a straight line to		

<i>No.</i>	<i>Position</i>	<i>Designation</i>
3. Sea Chart No. 1300	30 64° 24.7' N. 52° 20.1' W. thence a straight line to	Southerly island about 1 1/2 nautical miles west of Qâgssûp igdlua
	31 64° 25.0' N. 52° 20.1' W. thence a straight line to	Northerly island about 1 1/2 nautical miles west of Qâgssûp igdlua
	32 64° 48.2' N. 52° 18.4' W. thence a straight line to	Merquitorsorsuit kujalê
	33 64° 59.7' N. 52° 31.4' W. thence a straight line to	Island south of Upernivik
	34 65° 25.8' N. 53° 09.3' W. thence a straight line to	Naujarssuit
	35 65° 30.4' N. 53° 15.9' W. thence a straight line to	Avatdlerpârssuaq
3. and 4. Sea Chart No. 1300-1400	36 65° 38.6' N. 53° 18.0' W. thence a straight line to	Qïoqit
	37 65° 42.3' N. 53° 19.0' W. thence a straight line to	Island west of the mouth of Agpamiut Kangerdluarssuat
4. Sea Chart No. 1400	38 66° 02.9' N. 53° 40.0' W. thence a straight line to	Simiútap nûgssua
	39 66° 03.6' N. 53° 40.7' W. thence a straight line to	Southernmost island at Qerrulik
	40 66° 04.6' N. 53° 41.4' W. thence a straight line to	Westernmost island at Simiútap
	41 66° 25.8' N. 53° 55.4' W. thence a straight line to	Íkardligssuaq
	42 66° 59.6' N. 54° 08.1' W. thence a straight line to	Qagsit
	43 67° 16.0' N. 53° 57.9' W. thence a straight line to	Island about 35 nautical miles NNW of Sydbay
	44 67° 37.2' N. 53° 50.0' W. thence a straight line to	Simiutânguit
4. and 5. Sea Chart No. 1400-1500	45 67° 47.2' N. 53° 58.6' W. thence a straight line to	Kitsigsut
	46 67° 56.7' N. 53° 53.9' W. thence a straight line to	Westernmost island at Angmalortut
5. Sea Chart No. 1500	47 68° 00.8' N. 53° 52.6' W. thence a straight line to	Kingigtut
	48 68° 16.9' N. 53° 45.9' W. thence a straight line to	Kitdliat
	49 68° 37.7' N. 53° 35.8' W. thence a straight line to	Íkardlo
	50 68° 59.1' N. 53° 27.4' W. thence a straight line to	Oqaq
	51 69° 03.7' N. 53° 31.5' W. thence a straight line to	Braendevinsskaer (Avsigsut)
	52 69° 22.3' N. 54° 14.4' W. thence a straight line to	Bláfjeld (Uivfaq)
	53 69° 36.3' N. 54° 49.1' W. thence a straight line to	Íngigssuaq
	54 69° 37.2' N. 54° 50.8' W. thence a straight line to	West point south of Nordre Laksebugt (Equaluit)

<i>No.</i>	<i>Position</i>	<i>Designation</i>
5. Sea Chart No. 1500	55 69° 41.4' N. 54° 58.2' W.	Páukařut
	thence the coastline to	
	56 69° 42.9' N. 54° 59.2' W.	West point at Kingigtup qáqâ
	thence a straight line to	
	57 69° 50.1' N. 54° 56.1' W.	Jernpynten (Navssâp nûa)
	thence a straight line to	
5. and 6. Sea Chart No. 1500-1003	58 69° 51.9' N. 54° 55.0' W.	Point about 1 nautical mile south of Qasigíssat
	thence the coastline to	
	59 69° 56.4' N. 54° 52.0' W.	Nûgârssuit
	thence a straight line to	
	60 70° 05.5' N. 54° 53.5' W.	Avatarpait
	thence a straight line to	
6. Sea Chart No. 1003	61 70° 11.5' N. 54° 51.0' W.	Jâma
	thence a straight line to	
	62 70° 24.7' N. 54° 56.1' W.	Navdluarssuaraussaq
	thence the coastline to	
	63 70° 28.4' N. 54° 55.3' W.	Erqua
	thence a straight line to	
	64 70° 44.0' N. 54° 28.1' W.	Kangeq
	thence the coastline to	
	65 70° 50.0' N. 54° 18.2' W.	Sermersuaraq (Sangmissuaraq)
	thence a straight line to	
	66 71° 09.4' N. 53° 51.2' W.	Erqua
	thence a straight line to	
	67 71° 21.8' N. 54° 34.3' W.	Tartûssaq
	thence a straight line to	
	68 71° 23.0' N. 55° 19.0' W.	Kinivik (Qingnivik)
thence the coastline to		
69 71° 35.5' N. 55° 44.3' W.	Narssaq	
thence a straight line to		
70 71° 41.1' N. 55° 52.2' W.	Sigguk (Svartenhuk)	
thence a straight line to		
71 72° 03.9' N. 55° 57.6' W.	Nûa	
thence a straight line to		
72 72° 08.0' N. 56° 03.4' W.	Tikerarssuaq (at Dark Head)	
thence a straight line to		
73 72° 30.8' N. 56° 04.6' W.	Kingigtuarssuk (Nuvertalik)	
6. and 7. Sea Chart No. 1003-3100	74 72° 46.5' N. 56° 37.5' W.	Nunânguit (Smålandene)
	thence a straight line to	
7. Sea Chart No. 3100	75 73° 02.0' N. 56° 55.0' W.	Kingigtortagdlit
	thence a straight line to	
	76 73° 15.0' N. 56° 51.8' W.	Kingigtuarssuk
	thence a straight line to	
7. Sea Chart No. 3100	77 73° 38.6' N. 57° 04.1' W.	Horse Head (Agpalersalik)
	thence a straight line to	
7. Sea Chart No. 3100	78 74° 01.1' N. 57° 52.3' W.	Duck Islands south point (Edderfugleøer/Kitsigsorssuit)
	thence a straight line to	

No.	Position	Designation
7. Sea Chart No. 3100	79 74° 02.4' N. 57° 54.8' W.	Duck Islands north point
	thence a straight line to	(Edderfugleøer/Kitsigsorssuit)
	80 74° 39.8' N. 57° 55.0' W.	Westernmost of Ryders islands
	thence a straight line to	
	81 75° 11.0' N. 58° 52.2' W.	Westernmost point of Balles Island
	thence a straight line to	
	82 75° 25.3' N. 60° 01.0' W.	Northernmost point of westernmost
	thence a straight line to	Sabine Island
	83 75° 54.4' N. 61° 15.0' W.	Bryants Island (Apusávik)
	thence a straight line to	
	84 76° 01.3' N. 63° 41.0' W.	Cape Melville (Navdlortup núa)
	thence a straight line to	
	85 75° 55.6' N. 64° 47.8' W.	South point on Bushnan Island
	thence a straight line to	(Sagdleg)
	86 75° 54.0' N. 66° 28.0' W.	Cape York
	thence the coastline to	
	87 75° 54.5' N. 66° 40.7' W.	Upernarssuaq (Upernivigssuaq)
thence a straight line to		
88 76° 02.7' N. 68° 15.8' W.	Agpat (Agpat agpai)	
thence a straight line to		
89 76° 03.0' N. 68° 26.8' W.	Conical Rock south-east point	
thence a straight line to	(Igánaq)	
90 76° 03.2' N. 68° 30.7' W.	Conical Rock south-west point	
thence a straight line to	(Igánaq)	
91 76° 20.5' N. 69° 22.0' W.	Tonge Rock (Tonge Skaer)	
thence a straight line to		
92 76° 25.7' N. 69° 54.8' W.	Nôrujupaluk (Wolstenholme Island)	
thence the coastline to		
93 76° 27.6' N. 70° 01.2' W.	Qingmiliviup núa	
thence a straight line to		
94 76° 47.4' N. 70° 19.0' W.	Nûgdllit	
thence a straight line to		
95 76° 52.0' N. 70° 40.0' W.	Wechmar Point (Wechmar Naes/ Tupeqarfik)	
thence a straight line to		
96 76° 53.3' N. 70° 45.0' W.	Tasiussap núa	
thence a straight line to		
97 77° 00.0' N. 71° 08.0' W.	Point south of Cape Parry	
thence a straight line to	(Kangârssugsuaq)	
98 77° 24.9' N. 72° 43.0' W.	Hakluyt Island south-west point	
thence a straight line to	(Agpârssuit)	
99 77° 25.7' N. 72° 43.5' W.	Hakluyt Island north-west point	
thence a straight line to	(Agpârssuit)	
100 77° 58.5' N. 72° 17.3' W.	Cape Chalon	
thence a straight line to		
101 78° 10.0' N. 73° 08.2' W.	Cape Alexander (Uvdlerssuaq)	
thence a straight line to		
102 78° 23.5' N. 73° 02.9' W.	Littleton Island (Pikiuleq)	
thence the coastline to point 180, but in bays and fiords a straight		
line drawn across the bay or fiord at the place nearest to the mouth		
where the width does not exceed 10 nautical miles.		
25. Geodetic Institute No. 75 Ö. I	180 75° 56.7' N. 18° 38.5' W.	Cape Alf Trolle
	thence a straight line to	
181 75° 24.8' N. 17° 59.0' W.	Point about 2 nautical miles south-	
thence a straight line to	east of Cape Børgen	

<i>No.</i>	<i>Position</i>	<i>Designation</i>
25. Geodetic Institute No. 75 Ö. 1	182 75° 08.9' N. 17° 19.5' W. thence a straight line to	Cape Pansch
	183 75° 01.5' N. 17° 21.0' W. thence a straight line to	Southernmost east point on Shannon
26. Geodetic Institute No. 74 Ö. 1	184 74° 56.8' N. 17° 34.0' W. thence a straight line to	Point about 1 nautical mile north- east of Cape Philip Broke
	185 74° 36.9' N. 18° 23.0' W. thence a straight line to	The south-east point on Lille Pendulum
	186 74° 20.8' N. 19° 10.6' W. thence a straight line to	Point at Clark Mountain
	187 74° 15.8' N. 19° 22.5' W. thence a straight line to	Cape Borlase Warren
27. Geodetic Institute No. 73 Ö. 1	188 73° 53.6' N. 20° 00.3' W. thence a straight line to	East point on Jackson Island
	189 73° 45.7' N. 20° 03.5' W. thence a straight line to	Arundel Island
28. Sea Chart No. 2701	190 73° 29.1' N. 20° 25.5' W. thence a straight line to	Point about 2 1/2 nautical miles south of Cape Broer Ruys
	191 73° 06.7' N. 21° 12.0' W. thence a straight line to	Bontekoe Island
	192 72° 52.2' N. 21° 44.5' W. thence a straight line to	Island about 3 nautical miles south- east of Cape Mackenzie
	193 72° 39.3' N. 21° 37.7' W. thence a straight line to	Franklins Island
	194 72° 24.0' N. 21° 54.3' W. thence a straight line to	Cape Parry
28. and 29. Sea Chart No. 2701-2601	195 72° 15.8' N. 21° 59.4' W. thence a straight line to	Rock
29. Sea Chart No. 2601	196 72° 10.5' N. 22° 08.9' W. thence a straight line to	Cape Moorsom
	197 71° 44.2' N. 21° 54.8' W. thence a straight line to	Cape Wardlaw (Ilivtiartíp nûa)
	198 71° 33.0' N. 21° 39.6' W. thence the coastline to	North-east point on Murray Island
	199 71° 32.3' N. 21° 39.4' W. thence a straight line to	South-east point on Murray Island
	200 71° 19.9' N. 21° 36.8' W. thence a straight line to	Cape Topham
	201 70° 57.6' N. 21° 35.1' W. thence a straight line to	Cape Greg
	202 70° 45.3' N. 21° 26.6' W. thence a straight line to	Majskaer
	203 70° 40.0' N. 21° 21.8' W. thence the coastline to	North-east point on Rathbone Island (Ingmikêrtikajik)
	204 70° 39.5' N. 21° 21.6' W. thence a straight line to	Southerly east point on Rathbone Island (Ingmikêrtikajik)
	205 70° 31.7' N. 21° 28.7' W. thence the coastline to	Point about 1 1/2 nautical miles south of Cape Hodgson (Kíámut nûkajia)

No.	Position	Designation
29. Sea Chart No. 2601	206 70° 29.0' N. 21° 32.2' W.	Cape Lister
	thence a straight line to	
33. Geodetic Institute No. 68 Ö. 2	207 70° 09.4' N. 22° 03.3' W.	Cape Brewster (Kangikajik)
	thence the coastline to point 222, but in bays and fiords a straight line drawn across the bay or fiord at the place nearest to the mouth where the width does not exceed 10 nautical miles.	
	222 68° 28.9' N. 27° 37.1' W.	Cape Vedel
	thence a straight line to	
	223 68° 22.0' N. 28° 37.7' W.	Cape Rink
34. Geodetic Institute No. 68 Ö. 3	thence a straight line to	
	224 68° 19.7' N. 28° 50.5' W.	Cape Normann
	thence a straight line to	
	225 68° 13.1' N. 29° 25.0' W.	Cape Nansen
	thence a straight line to	
	226 68° 10.2' N. 29° 49.1' W.	Cape J.A.D. Jensen
	thence a straight line to	
	227 68° 07.4' N. 30° 11.0' W.	Nunap isua
	thence a straight line to	
	228 68° 05.6' N. 30° 30.5' W.	Cape I.C. Jacobsen
35. Geodetic Institute No. 67 Ö. 1	thence the coastline to	
	229 68° 05.3' N. 30° 34.3' W.	Point about 1 1/2 nautical miles west of Cape I.C. Jacobsen
	thence a straight line to	
	230 68° 05.0' N. 30° 39.2' W.	Strømø
	thence a straight line to	
	231 68° 04.4' N. 30° 58.2' W.	Point about 3/4 nautical mile west of Cape Irminger
	thence a straight line to	
232 68° 04.2' N. 31° 02.0' W.	Point about 2 1/2 nautical miles west of Cape Irminger	
thence a straight line to		
233 68° 04.1' N. 31° 07.3' W.	Point about 4 nautical miles west of Cape Irminger	
thence a straight line to		
36. Geodetic Institute No. 66 Ö. 1	234 67° 52.4' N. 32° 04.2' W.	Keglen
	thence a straight line to	
	235 67° 37.4' N. 32° 24.9' W.	Easternmost island about 2 1/2 nautical miles north-east of Pâtûterajivit (Pâgtûlâjivit)
	thence a straight line to	
	236 67° 36.1' N. 32° 30.1' W.	Pâtûterajivit (Pâgtûlâjivit)
	thence a straight line to	
	237 67° 15.1' N. 33° 12.9' W.	Søndre Aputitêq (Aputitêq)
thence a straight line to		
238 66° 54.5' N. 33° 34.9' W.	Easternmost point at Lille Tindholm (Igtitalik)	
thence a straight line to		
239 66° 45.5' N. 33° 52.6' W.	Easternmost island about 1 3/4 nautical miles east of Cape S.M. Jørgensen	
thence a straight line to		
240 66° 35.5' N. 34° 12.7' W.	Nanertalik	
thence a straight line to		
241 66° 21.3' N. 34° 42.3' W.	Nasígfik (Nasígpik)	
thence a straight line to		
242 66° 19.3' N. 34° 47.4' W.	Westernmost south point at Vahl Fiord (Nasígpip kangertiva)	
thence a straight line to		
243 66° 16.4' N. 34° 55.1' W.	Ailsa Island (Simílaq)	
thence a straight line to		

No.	Position	Designation	
37. Sea Chart No. 2301	244 65° 59.8' N. 35° 37.0' W. thence a straight line to	South-east point on island south of Stenø (Ilivtlaq)	
	245 65° 44.5' N. 36° 07.8' W. thence a straight line to	Uigerdlerssuaq (Uigertertivit)	
	246 65° 33.5' N. 36° 35.9' W. thence a straight line to	Easternmost island at Kitsigsit (Kitsigsit orqortit)	
	247 65° 29.0' N. 37° 02.6' W. thence a straight line to	Island about 3 nautical miles ESE of Cape Dan (Naujångivit)	
	248 65° 29.4' N. 37° 16.4' W. thence a straight line to	Island about 3 nautical miles WSW of Cape Dan (Naujångivit)	
	249 65° 32.9' N. 37° 44.0' W. thence a straight line to	Island about 2 1/2 nautical miles south-east of Naujatlik (Pågtorpik)	
	250 65° 29.9' N. 38° 40.4' W. thence a straight line to	Island about 1/2 nautical mile SSE of Ikátuaq (Ikátertaq)	
	251 65° 14.5' N. 39° 22.8' W. thence a straight line to	Island about 1 1/2 nautical miles SSE of Holms Naes	
	252 65° 09.9' N. 39° 29.3' W. thence a straight line to	Vahls Island (Atilât sártia)	
	253 64° 59.7' N. 39° 43.1' W. thence a straight line to	Aflandshage	
	254 64° 57.7' N. 39° 47.5' W. thence a straight line to	Northerly east point on Koklapperne (Sagtít)	
	255 64° 57.0' N. 39° 48.0' W. thence a straight line to	Southerly east point on Koklapperne (Sagtít)	
	38. Sea Chart No. 2200	256 64° 35.7' N. 40° 14.1' W. thence a straight line to	South easternmost island in Søren Nordbyes Islands (Ilipigtivaq)
		257 64° 29.3' N. 40° 09.5' W. thence a straight line to	Island about 1 1/2 nautical miles north of Cape Poul Løvenørn (Umivip Kíámút Kangerá)
		258 64° 28.0' N. 40° 08.9' W. thence a straight line to	Cape Poul Løvenørn (Umivip Kíámút Kangerá)
259 64° 20.0' N. 40° 11.7' W. thence a straight line to		East point on Umivítá	
260 64° 18.2' N. 40° 13.5' W. thence a straight line to		Southernmost island south of Putulik (Gabels Island) (Putoqartikajik)	
261 64° 03.5' N. 40° 32.3' W. thence a straight line to		Island about 1/2 nautical mile south of Kangerajik	
262 63° 41.1' N. 40° 30.6' W. thence a straight line to		Tvillingøen (at Cape Møsting)	
263 63° 32.1' N. 40° 39.5' W. thence a straight line to		Qeqertarsuaq (Qêrtartivaq)	
264 63° 16.3' N. 40° 59.7' W. thence a straight line to		Easternmost island at Tupikajik (Valkyrierne)	
265 63° 06.2' N. 41° 10.7' W. thence a straight line to		Easternmost island at Cape Skjold (Kangeq)	
266 62° 51.9' N. 41° 30.0' W. thence a straight line to		South-east point on Griffenfelds Island (Ūmánaq)	
267 62° 41.4' N. 41° 45.5' W. thence a straight line to		Island about 2 nautical miles south-east of the east point on Tingmiarmít	
268 62° 17.5' N. 42° 02.0' W. thence a straight line to		North-east point on Ikermiut	

<i>No.</i>	<i>Position</i>	<i>Designation</i>
38. Sea Chart No. 2200	269 62° 15.6' N. 42° 01.1' W.	Southerly east point on Ikermiut
	thence a straight line to	
	270 61° 52.9' N. 42° 04.5' W.	East point about 2 nautical miles
	thence a straight line to	north of Cape Cort Adelaer (Kan- geq)
	271 61° 49.6' N. 42° 02.0' W.	Island about 1 1/2 nautical miles
thence a straight line to	south-east of Cape Cort Adelaer (Umánárssuk)	
38. and 39. Sea Chart No. 2200-2100	272 61° 38.9' N. 42° 09.4' W.	Qeqertarsuaq
	thence a straight line to	
39. Sea Chart No. 2100	273 61° 32.4' N. 42° 13.7' W.	Qutdleq
	thence a straight line to	
	274 61° 16.0' N. 42° 27.8' W.	Umánárssuk
	thence a straight line to	
	275 60° 53.3' N. 42° 37.3' W.	Easternmost island about 3/4 nautical
	thence a straight line to	mile ENE of Cape Discord (Kan- geq)
	276 60° 40.7' N. 42° 45.1' W.	Southernmost island at Kûtseq (Kût- sit)
	thence a straight line to	
	277 60° 33.8' N. 42° 50.2' W.	Cape Walløe (Kangerssivasiq)
	thence a straight line to	
	278 60° 33.2' N. 42° 51.8' W.	Island about 1 nautical mile south- west of Cape Walløe
	thence a straight line to	
	279 60° 09.4' N. 42° 59.8' W.	Island about 2 nautical miles east of Aluk (Aluk avatdleq)
	thence a straight line to	
	280 60° 01.7' N. 43° 03.9' W.	Island about 2 3/4 nautical miles south of Toqulineq
thence a straight line to		
281 60° 01.2' N. 43° 04.1' W.	Island about 3 1/4 nautical miles south of Toqulineq	
thence a straight line to		
282 60° 01.0' N. 43° 04.3' W.	Island about 3 1/2 nautical miles south of Toqulineq	
thence a straight line to		
283 59° 55.2' N. 43° 15.3' W.	Island about 1/2 nautical mile south of Cape Hoppe	
thence a straight line to		
284 59° 48.8' N. 43° 35.3' W.	Easterly south point on Avatdlersuaq	
thence a straight line to		
285 59° 44.9' N. 43° 46.8' W.	Island about 3 nautical miles SSE of Avalernga	

(b) ORDER NO. 437 OF 21 DECEMBER 1966 ON THE DELIMITATION OF THE TERRITORIAL SEA**

The delimitation of the territorial waters which consist of the territorial sea and the internal waters shall be governed by the following rules:

Article 1

(1) The territorial sea comprises those areas of the sea which, on the inner side, are delimited by the lines referred to in article 4 and which, on the outer side, are delimited by lines drawn in such a manner that the distance from every point on

these lines to the nearest point on the inner borderline shall be 3 nautical miles (5,556 metres).

(2) The outer delimitation of the Danish Customs area and the Danish fishing territory is governed by special rules laid down by law.

(3) As far as the waters bordering upon Sweden and Germany are concerned, the outer limit of the territorial sea shall not go beyond the lines delimiting the internal waters and the territorial seas established by Declaration of 30 January 1932, between Denmark and Sweden concerning the delimitation in the Sound, cf. Executive Order No. 41 of 22 February 1932 and Executive Order No. 497 of 21 December 1923 concerning the frontier between Denmark and Germany.

Article 2

The internal waters comprise those areas of the sea, such as harbours, harbour entrances, roadsteads, bays, fiords, sounds and belts, which are situated inside the lines referred to in article 4.

Article 3

The provisions of article 2, cf. article 4, shall involve no restrictions in the existing right of passage for foreign vessels through those parts of the internal waters in the Samsø Belt, the Little Belt, the Great Belt, and the Sound, which are normally used for such passage.

Article 4

The lines to be used for delimitation of the territorial sea in pursuance of article 1 shall be those specified below and in the appended map of the coast-line (low-water mark at mean spring-tide) or straight lines between the following points:

(All positions indicated according to the European Datum System)

Sea Chart No. 93	}	1.	55°04'14"N 8°23'30"E	The point where the line from NW Sild to Rømø Flak Wintersects the line delimiting the internal waters between Denmark and Germany
		2.	55°12'40"N 8°24'14"E thence a straight line to	Rømø W
		3.	55°19'47"N 8°24'57"E thence a straight line to	Galgerev (Fanø S)
		4.	55°26'40"N 8°18'48"E thence a straight line to	Søren Jessens Sand
		5.	55°28'26"N 8°17'05"E thence the coastline to	Skallingen W
		6.	56°41'50"N 8°11'46"E thence a straight line to	Harboøre Tange NW
		7.	56°45'21"N 8°13'29"E	Agger Tange W

		thence the coastline to	
	8.	57°29'45"N 10°30'11"E	Strandby
		thence a straight line to	
	9.	57°30'00"N 10°36'18"E	Holm N of Græsholm
		thence a straight line to	
	10.	57°29'10"N 10°37'42"E	Hirsholm NE coast
		thence a straight line to	
	11.	57°28'57"N 10°37'43"E	Hirsholm S point
		thence a straight line to	
	12.	57°20'01"N 10°32'16"E	Sæby Harbour
		thence the coastline to	
	13.	57°00'16"N 10°20'54"E	Hals NE
		thence a straight line to	
	14.	56°58'23"N 10°20'02"E	Korsholm N point
		thence the coastline to	
	15.	56°58'04"N 10°19'44"E	Korsholm S point
		thence a straight line to	
Sea Chart No.	16.	56°57'18"N 10°17'36"E	Egense SE
100		thence the coastline to	
	17.	56°43'07"N 10°20'03"E	Alsodde
		thence a straight line to	
	18.	56°38'49"N 10°21'38"E	Point NE of Sødriugholm Wood
		thence a straight line to	
	19.	56°35'46"N 10°20'35"E	Udbyhøj
		thence the coastline to	
	20.	56°18'08"N 10°51'57"E	Point S of Katholm Wood
		thence a straight line to	
	21.	56°08'07"N 10°48'43"E	Hjelm E-most point
		thence a straight line to	
	22.	55°56'06"N 10°47'38"E	Bosserne E-most point
		thence a straight line to	
	23.	55°52'01"N 10°40'36"E	Staalhøj Hage
		thence the coastline to	
	24.	55°45'55"N 10°37'22"E	Lushage
		thence a straight line to	
	25.	55°37'16"N 10°37'04"E	Point E of Fyns Hoved
		thence the coastline to	
	26.	55°28'39"N 10°44'56"E	Stavreshoved
		thence a straight line to	
	27.	55°24'56"N 10°43'41"E	Risinge Hoved
		thence the coastline to	
Sea Chart No.	28.	55°17'27"N 10°51'11"E	Knudshoved
140		thence a straight line to	
	29.	55°09'28"N 10°57'20"E	Langeland N point
		thence the coasthine to	
	30.	54°43'27"N 10°41'12"E	Gulstav Klint
		thence a straight line to	
	31.	54°49'04"N 10°25'07"E	Vejsnæs Nakke
		thence the coastline to	
Sea Chart No.	32.	54°55'12"N 10°14'49"E	Point S of Vidsø Mølle
185		thence a straight line to	
	33.	54°52'27"N 10°04'02"E	Pøls Huk
		thence the coastline to	

Sea Chart No. 185	}	34. 54°51'11"N 9°59'18"E	Kegnæs
		thence a straight line to	E-most end point of the line delimiting the internal waters between Denmark and Germany
		35. 54°49'13"N 9°56'30"E	

Zealand and the islands S. of Zealand

Sea Chart No. 100	}	36. 56°04'15"N 11°13'19"E	Sjællands Rev life-saving beacon	Elsinore harbour area	
		thence a straight line to			
		37. 56°00'41"N 11°16'40"E	Sjællands Odde		
		thence the coastline to			
		38. 55°58'42"N 11°46'37"E	Korshage		
		thence a straight line to			
		39. 55°58'36"N 11°51'18"E	Spodsbjerg		
		thence the coastline to			
Sea Chart No. 130	}	40. 56°03'09"N 12°35'37"E	Point NW of Kronborg		Roadstead of Copenhagen
		thence a straight line to			
		41. 56°03'09"N 12°37'07"E	Lappegrund S seamark		
		thence a straight line to			
		42. 56°02'38"N 12°37'49"E	Point at sea		
		thence a straight line to			
		43. 56°01'44"N 12°37'49"E	Point at sea		
		thence a straight line			
		44. 56°01'00"N 12°36'46"E	Point at sea		
		thence a straight line to			
		45. 56°01'00"N 12°36'04"E	Point NE of Snekkersten		
		thence the coastline to			
		46. 55°47'17"N 12°35'52"E	Taarbæk Harbour		
		thence a straight line to			
47. 55°47'07"N 12°40'20"E	Taarbæk Rev				
thence a straight line to					
48. 55°41'57"N 12°50'49"E	Saltholm NE (point at sea)				
thence a straight line to					
49. 55°40'24"N 12°46'10"E	Saltholm N point				
thence the coastline to					
50. 55°40'15"N 12°46'36"E	Point on Saltholm				
thence a straight line to					
51. 55°37'16"N 12°48'58"E	Svaneklapper N				
thence a straight line to					
52. 55°36'04"N 12°49'25"E	Søndre Flint				
thence a straight line to					
53. 55°36'19"N 12°47'07"E	Holm S of Saltholm				
thence a straight line to					
54. 55°36'24"N 12°46'28"E	Saltholm S point				
thence a straight line to					
55. 55°32'13"N 12°42'46"E	Drogden Lighthouse				
thence a straight line to					
56. 55°30'58"N 12°35'36"E	Aflandshage black double broom				
thence a straight line to					
57. 55°19'51"N 12°27'23"E	Mandehoved				
thence the coastline to					
58. 55°17'30"N 12°27'23"E	Stevns				

Sea Chart No. 186	}	thence a straight line to	
		59. 55°00'31"N 12°31'22"E	Hellehavn Nakke
		thence the coastline to	
Sea Chart No. 187	}	60. 54°56'44"N 12°32'19"E	Point SW of Møn Lighthouse
		thence a straight line to	
		61. 54°50'08"N 12°10'01"E	Hestehoved
		thence a straight line to	
		62. 54°33'39"N 11°58'29"E	Gedser Odde SE
Sea Chart No. 140	}	thence the coastline to	
		63. 54°33'35"N 11°58'20"E	Gedser Odde S
		thence a straight line to	
		64. 54°33'38"N 11°52'25"E	Rødsand S
		thence a straight line to	
Sea Chart No. 100	}	65. 54°35'38"N 11°30'56"E	Hyllekrog
		thence the coastline to	
		66. 54°50'12"N 10°57'36"E	Albuen
		thence a straight line to	
		67. 54°53'19"N 11°01'00"E	Point NW of Taars
		thence the coastline to	
		68. 54°54'48"N 11°01'38"E	Point SW of Korsnakke
		thence a straight line to	
Sea Chart No. 100	}	69. 55°09'37"N 11°08'03"E	Omø W point
		thence a straight line to	
		70. 55°20'51"N 11°05'37"E	Halsskov
		thence a straight line to	
		71. 55°28'29"N 11°04'28"E	Musholm
		thence a straight line to	
		72. 55°30'57"N 11°04'55"E	Reersø
		thence a straight line to	
		73. 55°39'50"N 10°56'06"E	Asnæs
		Sea Chart No. 100	}
74. 55°44'40"N 10°52'12"E	Rønæs		
thence a straight line to			
Sea Chart No. 100	}	75. 55°53'11"N 11°04'53"E	Sejerø N point
		thence a straight line to	
		36. 56°04'15"N 11°13'19"E	Sjællands Rev life-saving beacon
		Læsø	
		76. 57°21'52"N 10°56'00"E	Nordre Rønner
		thence a straight line to	
		77. 57°19'27"N 11°11'50"E	Syrodde
		thence the coastline to	
		78. 57°17'53"N 11°11'24"E	Bløden Hale
		thence a straight line to	
Sea Chart No. 100	}	79. 57°12'21"N 11°02'09"E	Hornfiskerøen SE
		thence the coastline to	
		80. 57°12'00"N 10°59'53"E	Hornfiskerøen SW
		thence a straight line to	
		81. 57°14'31"N 10°53'53"E	Sønder Nyland
		thence a straight line to	
		82. 57°15'30"N 10°52'15"E	Læsø W-most point
thence a straight line to			
Sea Chart No. 100	}	83. 57°21'21"N 10°54'12"E	Bordfeld
		thence a straight line to	
		76. 57°21'52"N 10°56'00"E	Nordre Rønner

		Christiansø	
	84.	55°19'53"N 15°10'31"E thence the coastline to	Rock N of Tat (W end)
	85.	55°19'52"N 15°10'33"E thence a straight line to	Rock N of Tat (E end)
	86.	55°19'27"N 15°11'31"E thence a straight line to	Rock N of Christiansø
	87.	55°19'25"N 15°11'34"E thence a straight line to	Christiansø NE
	88.	55°19'09"N 15°11'56"E thence a straight line to	Østerskær NE
	89.	55°19'07"N 15°11'55"E thence a straight line to	Østerskær SE
Sea Chart No. 189	90.	55°19'06"N 15°11'52"E thence a straight line to	Østerskær SW
	91.	55°19'04"N 15°11'20"E thence a straight line to	Christiansø S
	92.	55°19'25"N 15°10'36"E thence a straight line to	Græsholm SW
	93.	55°19'30"N 15°10'32"E thence a straight line to	Græsholm W
	94.	55°19'48"N 15°10'30"E thence a straight line to	Rock S of Tat
	95.	55°19'50"N 15°10'30"E thence a straight line to	Rock S of Tat
	96.	55°19'51"N 15°10'30"E thence a straight line to	Tat W
	84.	55°19'53"N 15°10'31"E	Rock N of Tat (W end)

13. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF^{1**}

Article 1

The territorial sea of the Dominican Republic shall comprise the sea area adjacent to its coasts, and to the coasts of the islands over which the Dominican Republic exercises sovereignty, and extending from the low-water line or from the straight baselines, as the case may be, to a distance of six miles seawards.

Article 2

The bays of Manzanillo, comprising the coastal area lying between the median line of the mouth of the River Massacre or Dajabón and Punta Manzanillo; Rincón, between Cabo Cabrón and Cabo Samaná; Samaná, between Cabo Samaná and Cabo San Rafael; Yuma, between Punta Espada and Punta Aljibe; Andrés, between

¹ *Gaceta Oficial*, No. 9052 of 16 September 1967, p. 26.

Punta Magdalena and Cabo Caucedo; Ocoa, between Punta Salinas and Punta Martín García; Neiba, between Punta Martín García and Punta Averena; and Aguilas, between Cabo Falso and Cabo Rojo, are bays according to the traditional geographical definition of the term hence the waters lying within the straight lines joining the points which delimit them are internal waters and as such under the full sovereignty of the State.

Paragraph 1. The bay of Santo Domingo, comprising the coastal area between Punto Palenque and Cabo Caucedo, and the bay of Escocesa, between Cabo Francés Vicjo and Cabo Cabrón, are declared to be historic bays. Accordingly, the waters lying within the straight baselines passing through the points which delimit them are internal waters and under the full sovereignty of the State.

Paragraph 2. The territorial waters adjacent to the bays of Santo Domingo and Escocesa and other bays and portions of internal waters shall be measured seawards from the straight baselines joining the points which delimit them.

Article 3

An additional zone contiguous to the territorial sea is hereby established which shall be known as the "Contiguous Zone", consisting of a belt extending seawards from the outer limit of the territorial sea to a distance of six nautical miles.

Sole paragraph. In the said contiguous zone the Dominican State shall exercise the powers of jurisdiction and control necessary for preventing contraventions of Dominican legislation governing public health, public revenue, customs and the protection and conservation of fisheries and other natural resources of the sea.

Article 4

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 by a treaty with the neighbouring Republic of Haiti. Pending the conclusion of such a treaty, the Dominican Republic shall comply with the rules of international law and of equity which it has in the past observed in the said bay in the waters adjacent thereto.

Article 5

The boundaries of the territorial sea and the contiguous zone at the mouth of the River Pedernales shall be determined in accordance with the rules of international law.

Article 6

The Dominican State hereby declares that, as a general rule, it has a particular interest in maintaining the productivity of the resources of the sea in any part of the high seas adjacent to its territorial sea; for that purpose, it reserves the right to take part, on a basis of equality, in every organization of studies and in every system of research or regulation relating to the conservation of the said resources in any zone of the high seas, even though its nationals have not in the past or are not at present engaged in the exploitation thereof.

Sole paragraph. Consequently, the conservation and maintenance of the productivity of the marine resources of the Bancos de la Plata (Silver Bank), whose centre is situated at latitude 20° 32.5' N, longitude 69° 42' W, and the Banco de la

Navidad (Navidad Bank), whose centre is situated at latitude 20° 01' N, longitude 68° 51' W, are hereby declared to be of national interest.

Article 7

The Dominican State shall exercise sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources. No person shall therefore undertake these activities without the express consent of the Dominican State.

Sole paragraph. For the purposes of this article, the term "continental shelf" means (a) the sea-bed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits the exploitation of the natural resources of the said areas; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands under Dominican sovereignty.

Article 8

This Act shall supersede any other legislation or part thereof which may be at variance with it.

14. ECUADOR

(a) CIVIL CODE^{1**}

...

Article 633²

"The territorial sea under national jurisdiction shall comprise the adjacent sea to a minimum distance of 200 nautical miles measured from the low-water mark of the outermost points of the Ecuadorian coast, and the inner waters of the gulfs, bays, straits and channels included within a line drawn through such points.

"The territorial sea shall also comprise the waters within a perimeter of 200 nautical miles measured from the outermost extremities of the outermost islands of the Galápagos (Colón) Archipelago.

"If, under the terms of any international agreements or treaties dealing with this matter, such as the Treaty of Reciprocal Assistance, maritime zones are designated for policing or protection which are broader than those laid down in the foregoing paragraphs, the provisions of such agreements or treaties shall prevail."

¹ The Ecuadorian Civil Code of 20 August 1960. Book II—Property and its ownership, possession, use and enjoyment; title III—National property. *Registro Oficial*, No. 1202, 20 August 1960 (Supplement).

² As amended by Decree No. 1542 of 10 November 1966, published in the *Registro Oficial*, No. 158, 11 November 1966.

(b) MARITIME FISHING AND HUNTING ACT¹ OF 30 AUGUST 1961**

Article 3. The territorial sea under national jurisdiction shall comprise the adjacent sea to a minimum distance of twelve nautical miles,² of twenty to the degree, measured from the low-water mark of the outermost points of the Ecuadorian coast, and the inner waters of the gulfs, bays, straits and channels included within a line drawn through such points.

The territorial sea shall also comprise the waters within a perimeter of twelve nautical miles measured from the outermost extremities of the outermost islands of the Galápagos (Colón) Archipelago.

Article 4. If, under the terms of any international agreements or treaties dealing with this matter, such as the Treaty of Reciprocal Assistance, maritime zones are designated for policing or protection which are broader than those laid down in the foregoing articles, the provisions of such agreements or treaties shall prevail.

(c) DECREE³ NO. 2556 OF 9 NOVEMBER 1964*(d) POLITICAL CONSTITUTION OF THE ECUADORIAN STATE⁴**

...

Article 6

The territory of the State is inalienable and irreducible. It comprises the territory of the *Real Audiencia* of Quito with the modifications introduced by validly concluded treaties, the adjacent islands, the Archipelago of Colón or Galápagos, the territorial sea, the subsoil and the corresponding air space.

...

Article 55

Ownerless land shall be the property of the State; the same shall apply to agricultural land which, although having an owner, has been abandoned for more than eight consecutive years without legal cause. This right of ownership shall be imprescriptible, but the land shall be granted to individuals for purposes of land reform and settlement.

¹ *Registro Oficial*, No. 353 of 31 October 1961 (Supplement). See also FISHERIES, TERRITORIAL SEA.

² Decree No. 1542, *Registro Oficial*, No. 158, 11 November 1966, provided that the territorial sea should be extended to 200 miles. See article 633 of the Civil Code, as amended by that Decree, *supra* (a).

³ *Registro Oficial*, No. 376 of 18 November 1964. By the Decree, the following agreements, concluded at the Second Conference of the South Pacific, held at Lima from 1 to 4 December 1954, were approved and ratified: Agreement supplementary to the Declaration of sovereignty over the maritime zone of two hundred miles; Agreement to a special maritime frontier zone; and Agreement relating to measures of supervision and control in the maritime zones of the signatory countries. For the texts of the agreements, see ST/LEG/SER.B/6, pp. 729-730, 734-735 and 732, respectively.

⁴ *Registro Oficial* No. 133 of 25 May 1967.

15. FRANCE

(a) ARRÊTÉ¹ DU 9 MARS 1965 RELATIF AUX ZONES DES TERRITOIRES FRANÇAIS INTERDITS AU SURVOL

Le ministre d'État chargé des départements et territoires d'outre-mer et le ministre des travaux publics et des transports,

Vu le décret du 11 mai 1928 portant application aux territoires d'outre-mer de la loi du 31 mai 1924 sur la navigation aérienne;

Vu la convention relative à l'aviation civile internationale, signée à Chicago le 7 décembre 1944, ratifiée le 13 novembre 1946 et publiée par décret n° 47-974 du 31 mai 1947;

Vu le décret n° 57-597 du 13 mai 1957 portant définition des types de la circulation aérienne et fixant les conditions d'établissement de leur réglementation rendu applicable dans les territoires d'outre-mer par le décret n° 58-690 du 31 juillet 1958;

Vu le décret n° 57-598 du 13 mai 1957 fixant les règles de l'air, les attributions et le rôle des services civils de la circulation aérienne, modifié par le décret n° 58-851 du 11 septembre 1958, rendus applicables dans les territoires d'outre-mer par le décret n° 58-691 du 31 juillet 1958, modifié par décrets du 6 novembre 1958, 17 avril 1961 et 19 juillet 1962;

Vu l'arrêté du 7 octobre 1948 fixant les zones des territoires français interdites au survol, et notamment l'article 3, ainsi que les textes qui l'ont modifié;

Vu l'arrêté du 30 septembre 1960 fixant les conditions dans lesquelles peuvent être prises des mesures d'interdiction de survol à titre provisoire;

Vu l'arrêté du 16 janvier 1962 étendant aux territoires d'outre-mer l'application de l'arrêté du 30 septembre 1960,

Arrêtent:

Art. 1^{er}. — L'annexe à l'arrêté du 7 octobre 1948 susvisé est complétée par le paragraphe C ci-après:

Polynésie française

Zone de Mururoa—Fangatofa:

A: 21° 35' S — 138° 45' W.

B: 21° 55' S — 138° 15' W.

C: 22° 35' S — 138° 45' W.

D: 21° 55' S — 139° 15' W.

Plafond illimité.

Zone de Hao: cercle de 30 milles nautiques de rayon centré sur le point:

18° 15' S — 140° 55' W.

Plafond illimité.

Art. 2. — Les dispositions prévues dans le présent arrêté sont applicables immédiatement.

¹ *Journal Officiel*, n° 142 des 21 et 22 juin 1965, p. 5161.

(b) INSTRUCTION¹ DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER

La présente instruction a un double objet :

Rappeler et résumer la réglementation établie en matière de navigation dans les eaux intérieures et les eaux territoriales et d'escales dans les ports et rades maritimes ouverts à la navigation dans les départements et territoires d'outre-mer ;

Préciser le rôle des autorités portuaires locales chargées de l'application de cette réglementation.

1^o Rappel des définitions

Les eaux intérieures comprennent les ports et rades, les mers intérieures et, d'une façon générale, toutes les eaux maritimes qui se trouvent en deçà de la ligne de base de la mer territoriale.

Les eaux territoriales sont limitées par la côte elle-même ou par les eaux intérieures d'une part, par la haute mer d'autre part. Elles s'étendent, sauf dérogation, à 3 milles de la ligne de base constituée, en règle générale, et sauf existence d'eaux intérieures, par la laisse de basse mer (isobathe zéro).

Le passage est le fait de naviguer dans les eaux territoriales soit pour les traverser sans entrer dans les eaux intérieures, soit pour se rendre dans les eaux intérieures, soit pour prendre le large en venant des eaux intérieures.

Le passage réputé inoffensif comprend le droit de stopper et de mouiller, mais seulement dans la mesure où l'arrêt et le mouillage constituent des incidents ordinaires de navigation ou s'imposent au navire en état de relâche forcée ou de détresse.

Le passage n'est pas inoffensif lorsque le navire utilise les eaux territoriales d'un État riverain aux fins d'accomplir un acte portant atteinte à la sécurité, à l'ordre public ou aux intérêts fiscaux de cet État, ou lorsque ce passage se trouve accompagné par une activité portant atteinte à ceux de ces intérêts que les règles du droit international l'autorisent à sauvegarder.

2^o Droits de souveraineté et rôle des autorités locales dans l'exercice de ces droits

Les eaux territoriales et les eaux intérieures sont soumises à la souveraineté de l'État français. Celle-ci s'exerce conformément aux règles du droit international régissant la matière, en particulier en ce qui concerne l'exercice du droit de passage inoffensif et l'accès aux ports maritimes ouverts à la navigation.

Dans les eaux territoriales, le passage inoffensif peut, sans discrimination de pavillon, être suspendu par les autorités locales pour des raisons de sécurité. Cette suspension ne peut prendre effet qu'après avoir été dûment publiée.

Dans les eaux territoriales et dans les eaux intérieures toute relâche et toute opération d'embarquement ou de débarquement sont interdites en dehors des limites de certains ports et rades qu'il appartient aux autorités locales de fixer. Des

¹ *Ibid.*, n° 112 du 14 mai 1966, p. 3887.

dérogrations peuvent être consenties à ces règles, notamment au profit des navires se livrant au cabotage intérieur, à la pêche, à des missions scientifiques ou à la navigation de plaisance.

La réglementation édictée par les autorités locales doit prévoir l'obligation pour les bâtiments de signaler immédiatement les cas de force majeure qui les mettraient dans l'impossibilité d'observer cette réglementation.

3^o *Rôle des autorités des ports maritimes ouverts à la navigation*

Dans les ports maritimes ouverts à la navigation, les autorités portuaires ou en tenant lieu sont chargées de faire connaître et appliquer les règlements établis. S'il y a lieu, elles rappellent aux navigateurs la nécessité de leur stricte observation et les poursuites judiciaires auxquelles ils s'exposent en cas d'infraction.

Le nombre et la situation des ports maritimes ouverts à la navigation sont choisis de manière à faciliter l'aide à apporter ainsi aux navigateurs. La liste en est approuvée et tenue à jour par le ministre d'État chargé des départements et territoires d'outre-mer.

(c) DÉCRET¹ DU 19 OCTOBRE 1967 RELATIF À LA DÉTERMINATION DES LIGNES DE BASE EN CE QUI CONCERNE LA LARGEUR DES EAUX TERRITORIALES

Le Premier ministre,

Vu le décret² n° 67-451 du 7 juin 1967 portant extension de la zone de pêche interdite aux navires étrangers, et notamment son article 2 (alinéa 1),

Décète :

Art. 1^{er}. — Les lignes de base droites et les lignes de fermeture des baies servant à la détermination des lignes de base à partir desquelles est mesurée la largeur des eaux territoriales sont tracées comme il est indiqué ci-après :

Littoral de la Manche

Baie de Seine :

Du feu du cap de la Hève au feu de la jetée Ouest du port de Trouville.

Rade de Saint-Vaast-la-Capelle :

De la pointe de Saire au feu des îles Saint-Marcouf et du feu des îles Saint-Marcouf à l'extrémité Nord-Est du bac Roches de Grand Camp.

Rade de Cherbourg :

Du phare du cap Lévi au fort de Nacqueville.

Anse de Vauville :

Du sémaphore de Jobourg au sémaphore de Flamanville.

Baie du Mont-Saint-Michel :

Du feu de la pointe du Roc à l'îlot Herpin et de celui-ci à la pointe du Grouin.

¹ *Ibid.*, n° 255 du 1^{er} novembre 1967, p. 10755.

² *Infra* DIVISION IV. 11 (g).

Bretagne Nord et Ouest

De la pointe du Grouin au feu du Menhir (Penmarch) suivant la ligne brisée joignant les points suivants:

Pointe du Grouin, tourelle de Rochefort, pointe Nord-Ouest de l'île de Cézembre (au large de Saint-Malo), extrémité Nord du cap Fréhel, feu du Grand-Lejon (baie de Saint-Brieuc), feu de la Horaine, feu des Héaux, pointe Nord de l'île Rouzic (les Sept-Îles), feu des Triagoz, îlot Pen Ven (au Nord de l'île de Batz), pointe Nord de l'île Vierge, feu de Corn-Carhai, îlot de Keller, feu d'An Ividig, dernier rocher découvrant à l'Ouest de la Chaussée de Sein ($48^{\circ} 03' 25''$ N — $05^{\circ} 02' 20''$ W), feu du Menhir (Penmarch).

Bretagne Sud et Vendée

Du feu du Menhir (Penmarch) au feu des Baleineaux (Nord de l'île de Ré) suivant la ligne brisée joignant les points suivants:

Feu du Menhir (Penmarch), tourelle des Putains, pointe Sud de l'île du Loch (îles des Glénans), pointe d'Enfer (Sud de l'île de Groix), îlot Baguénérés (Ouest de Belle-Île), pointe du Talut, pointe de l'Échelle (Sud-Est de Belle-Île), feu des Grands-Cardinaux, feu de la Banche (au large de l'estuaire de la Loire), feu du Pilier (Nord-Ouest de l'île de Noirmoutier), tourelle du Bavard, feu des Chiens-Perrins (Nord-Ouest de l'île d'Yeu), pointe de la Tranche (tour par le Sud de l'île d'Yeu), feu de la Grande-Barge (Ouest des Sables-d'Olonne), feu des Baleineaux (au Nord-Ouest de l'île de Ré).

Vendée Sud et Landes

Pertuis d'Antioche:

Du feu de Chanchardon au feu de Chassiron.

Pertuis de Maumusson:

Du feu de la Cotinière au feu de la Coubre.

Estuaire de la Gironde:

Du feu de la Coubre à la balise de la Négade.

Littoral continental de la Méditerranée

Golfe d'Aigues-Mortes:

De l'embouchure du Grau de Palavas au phare de l'Espiguette.

Golfe des Saintes-Maries:

Du Grau d'Orgon à la balise de Beauduc.

Du golfe de Fos à la baie de Sanary:

Du point défini par les coordonnées $43^{\circ} 19' 50''$ N — $4^{\circ} 50' 00''$ E à la pointe de la Gardiole suivant la ligne brisée joignant les points suivants:

Point défini par les coordonnées $43^{\circ} 19' 50''$ N et $4^{\circ} 50' 00''$ E, feu du cap Couronne, feu de l'île du Planier, pointe Est de l'île Riou, feu de la Cassidaigne, feu de l'île du Grand-Rouveau, pointe Sud-Ouest de l'île des Embiez, pointe Sud du Petit-Gau, pointe de la Gardiole.

De la rade de Toulon à la baie de Cavalaire :

Du feu du cap Sicie à l'extrémité Est du cap Camarat suivant la ligne brisée joignant les points suivants : feu du cap Sicie, cap d'Armes, îlot de la Gabinière, cap Maupertuis, le Grand-Cap, pointe du Titan, cap Taillat, extrémité Est du cap Camarat.

Baie de Pampelonne et golfe de Saint-Tropez :

De l'extrémité Est du cap Camarat à la pointe des Issambres.

Du golfe de Fréjus à Golfe-Juan :

De la pointe des Issambres au phare de l'Îlette suivant une ligne brisée joignant les points suivants : pointe des Issambres, île de la Boute, tourelle des Moines, phare de l'Îlette.

Baie des Anges :

Du bastion Nord-Est du Fort-Carré d'Antibes au phare du cap Ferrat (Villefranche).

Baie de Beaulieu :

De la pointe de Saint-Hospice au cap d'Ail.

Baie de Roquebrune :

De la pointe de la Vieille au cap Martin.

Littoral de la Corse

Golfe de Saint-Florent :

De la pointe de Canelle à la pointe de Mignole.

Golfe de Calvi :

De la pointe d'Espino à la pointe Revellata.

Du cap de la Morsetta au golfe de Pinarello :

Entre le cap de la Morsetta à la pointe Nord-Est du golfe de Pinarello suivant une ligne brisée joignant les points suivants : cap de la Morsetta, pointe des Scoglietti, îlot de Gargalo, cap Rosso, pointe d'Omignia, cap de Feno (golfe de Sagone), pointe Ouest des îles Sanguinaires, feu du cap Muro, pointe de Senetose, feu des Moines, feu du cap Pertusato, feu de l'îlot Lavezzi, pointe Est de l'île Cavallo, pointe Sud-Est de l'île Forana (îles Cerbicales), pointe Est de l'île Pinarello puis pointe Nord-Est du golfe de Pinarello.

Art. 2. — Sont abrogés, à compter de la date de publication du présent décret :

Le décret du 9 juillet 1888¹ qui fixe, pour les baies du cinquième arrondissement maritime, la ligne à partir de laquelle doivent être comptés les trois milles formant la mer territoriale française ;

Les décrets du 1^{er} juin 1938² fixant, pour les directions d'inscription maritime du Havre, de Saint-Servan et de Bordeaux, les limites d'eaux réservées à la pêche française.

¹ Voir ST/LEG/SER.B/6, p. 15.

² *Ibid.*, p. 498.

16. GAMBIA

TERRITORIAL SEA AND CONTIGUOUS ZONE ACT, 1968 (No. 4 of 19 April 1968),
AS AMENDED¹

...

2. *Territorial sea*

Gambia shall extend for a distance of twelve nautical miles from low-water mark and any reference to "The Gambia" whatsoever or wheresoever made shall be deemed in the absence of a contrary intention to include the territorial sea of The Gambia.

...

4. "*Territorial waters*" considered as "*territorial sea*"

Any reference in any law in force in The Gambia to "territorial waters" shall be construed as if it were a reference to "territorial sea".

17. GHANA

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1963 (Act No. 175 of
19 April, 1963)

1. *Extent of territorial waters*

(1) For the removal of doubt it is hereby declared that the territorial waters of the Republic shall extend to the limits of twelve nautical miles from low-water mark.

(2) The President may, if satisfied in the public interest so to do, by legislative instrument, declare any part of the sea touching or adjoining the coast, and seaward of the outer limits of the territorial waters, of the Republic to be an area over which the Government shall exercise any right of protection.

...

5. *Interpretation*

(1) For the purposes of this and any other enactment,

...

"territorial waters" shall have the meaning assigned to it by section 1 of this Act.

...

¹ By the Territorial Sea and Contiguous Zone (Amendments) Act, 1969 (No. 9 of 10 July 1969).

18. GUATEMALA

(a) DECREE NO. 1470 OF 23 JUNE 1961, article 21¹

(b) CONSTITUTION² OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965**

TITLE I. THE NATION, THE STATE AND ITS GOVERNMENT

CHAPTER I. GENERAL PROVISIONS

...

Article 3. Guatemala exercises full sovereignty and dominion over its territory which includes soil, subsoil, continental shelf, territorial waters, and the space above these, and the natural resources and wealth existing therein, without prejudice to free navigation by sea and air in conformity with law and the provisions of international treaties and agreements.

...

TITLE III. SOCIAL GUARANTEES

...

CHAPTER V. SOCIAL AND ECONOMIC RÉGIME

...

Article 129. The following belong to the nation:

...

2. The waters of the maritime zone adjacent to the coasts of its territory, the lakes, navigable or passable rivers and the banks thereof, rivers, watersheds and streams which serve as the international boundary of the Republic; waterfalls and sources of water for hydro-electric use and waters not availed of by individuals, to an area and for a period fixed by law.

...

4. The maritime and land zone, the continental shelf and the air space above, to an area and in the manner laid down by law or ratified international treaties.

5. The subsoil, deposits of hydrocarbons and minerals and any other organic or inorganic substance in the subsoil.

...

Article 130. The nation reserves dominion over a strip of land three kilometres in width along the ocean fronts, counting from the line of high tide; of 200 metres along the shores of lakes; of 100 metres along each bank of navigable rivers; and of 50 metres around springs and sources of water which flow to cities and populated places.

...

¹ *Infra* DIVISION IV. 13 (a).

² The present Constitution (article 271) repealed the Constitution of 1 March 1956, quoted in ST/LEG/SER.B/6, p. 19.

Article 134. The technical and rational exploitation of hydrocarbons, minerals and other natural resources are declared to be of public utility and necessity.

Rights to the exploitation of hydrocarbons and minerals shall be acquired in conformity with the law, for a period of not more than forty years, with the right of extension for another twenty years.¹

...

19. GUINEA

DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE

Article 1^{er}. — Les limites des eaux territoriales de la République de Guinée sont fixées ainsi :

Au Nord, par le parallèle de latitude 10° 56' 42" Nord, et

Au Sud, par le parallèle de latitude 9° 03' 18" Nord, sur une distance vers le large de 130 milles marins, à compter d'une droite passant au S.W. de l'île Sène du groupe Tristao, et au Sud, par la pointe S.W. de l'île Tamara, à la laisse des basses mers.

20. INDIA

PROCLAMATION² OF 30 SEPTEMBER 1967 BY THE PRESIDENT

PROCLAMATION

Whereas international law has always recognised 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 a State;

And whereas by the Proclamation³ issued by the President of India on the 22nd March, 1956 and published with the notification of the Government of India in the Ministry of External Affairs, No. S.R.O. 669, dated the 22nd March, 1956, the territorial waters of India were declared to extend into the sea to a distance of six nautical miles measured from the appropriate base line and by the Proclamation issued by the President of India on the 3rd December, 1956, and published with the notification of the Government of India in the Ministry of External Affairs,

¹ Mining Code, Legislative Decree No. 342.

² Notification of the Ministry of External Affairs, published in the *Gazette of India* of 30 September 1967, Registered no. D. 221.

³ For the text, see ST/LEG/SER.B/6, p. 23.

No. S.R.O. 2920, dated the 3rd December, 1956, the limit of contiguous zone was fixed at twelve nautical miles from the base line from which the width of the territorial waters is measured;

And whereas under international law and customs, a State has the right to fix the limits of its territorial waters up to a distance of twelve nautical miles measured from the appropriate base line;

And whereas several States have fixed the limits of their territorial waters up to a distance of twelve nautical miles from the appropriate baseline and such fixation is in consonance with the requirements and legitimate interests of all countries and especially the developing countries;

And whereas the Republic of India has the obligation to ensure its effective control over as wide an area of the sea adjacent to its coast as is compatible with international law, in order to safeguard its territorial integrity and as a developing country to exploit and utilise the natural resources of the sea in an efficient manner;

Now, therefore, in the Eighteenth Year of the Republic of India, I, Zakir Husain, President of India, hereby proclaim, in supersession of the Proclamations aforesaid, that the territorial waters of India extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

21. IRAN

LOI¹ DU 12 AVRIL 1959 (22.1.1338) MODIFIANT LA LOI DÉTERMINANT LES LIMITES DES EAUX TERRITORIALES

Article 1

Le droit de souveraineté de l'Iran en dehors du territoire de l'Iran et des eaux intérieures, s'étend sur la partie de la mer adjacente aux côtes de l'Iran et dénommée « mer territoriale ».

Article 2

Ce droit de souveraineté s'étend à l'espace aérien au-dessus de la mer territoriale ainsi qu'au lit et sous-sol de la mer territoriale.

Article 3

La largeur de la mer territoriale de l'Iran est de 12 (douze) milles à compter de la ligne de base desdites eaux. Le gouvernement déterminera la ligne de base en observant les principes reconnus du droit international public.

REMARQUE. — Le mille marin égale 1 852 mètres.

¹ D'après l'information fournie par la Mission permanente d'Iran auprès de l'Organisation des Nations Unies les dispositions de la loi ont remplacé la loi du 24 Tir 1313 (le 19 juillet 1934) relative à la limite des eaux territoriales et à la zone de supervision et de contrôle (voir ST/LEG/SER.B/1, p. 81, ST/LEG/SER.B/6, p. 24). Les dispositions du chapitre 2 de la loi du 24 Tir 1313 relative à l'entrée des navires de guerre étrangers dans les eaux iraniennes restent toujours en vigueur. Texte français fourni par la Mission permanente d'Iran.

Article 4

Dans le cas où les côtes de l'Iran sont limitrophes ou qui font face aux côtes d'un autre pays, et à défaut d'accord contraire entre les parties, la ligne de délimitation entre les eaux territoriales iraniennes et celles la ligne médiant dont tous les points sont équidistants des points les plus proches des lignes de base de l'autre partie.

Article 5

Toute île appartenant à l'Iran, qu'elle se trouve à l'intérieur de la mer territoriale de l'Iran ou à l'extérieur de cette mer, possède sa propre mer territoriale conformément à la présente loi.

Les îles qui sont situées à une distance de moins de 12 milles les unes des autres sont considérées comme une seule île et les limites de la mer territoriale sont calculées à partir des îles qui sont les plus éloignées du centre de l'archipel.

Article 6

Les eaux qui se trouvent entre les côtes du pays et la ligne de base, de même que les eaux situées entre les îles appartenant à l'Iran et qui ne sont pas séparées entre elles par une distance de plus de 12 milles, sont considérées comme les eaux intérieures du pays.

Article 7

Le droit de pêche et autres droits de l'Iran au-delà de la mer territoriale restent en vigueur.

...

22. IRAQ

(a) PROCLAMATION OF 10 APRIL 1958¹

(b) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958²

1. The Iraqi territorial sea, its bed and subsoil and the air space above it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

2. The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water line of the Iraqi coast.

3. In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of international law or with such understanding as may be reached between the two States.

¹ *Infra* SUB-DIVISION B. 12 (b).

² *Official Gazette* No. 74 of 15 November 1958.

4. No provisions in this Ordinance shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Ordinance infringe the official announcements previously issued by the Iraqi Government in this respect.

(c) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS¹

Article 1

The Iraqi territorial sea, its bed and subsoil and the air space about it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2

The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water mark following the sinuosities of the Iraqi coast.

Article 3

In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of International Law or with such understanding as may be reached between the two States.

Article 4

No provisions in this Law shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Law infringe the official proclamations previously issued by the Iraqi Government in this respect.

23. IRELAND

(a) MARITIME JURISDICTION ACTS, 1959² AND 1964³

1. *Interpretation*

In this Act —

“exclusive fishery limits” has the meaning given to it by or under section 6;

“fishery conservation area” has the meaning given to it by section 7;

¹ *Official Gazette* No. 82 of 25 November 1968.

² No. 22 of 1959. Came into operation on 1 October 1959. See also *infra* DIVISION IV. 15 (a).

³ The Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964). See also *infra* DIVISION IV. 15 (b).

“foreign ship” means a ship which is not a ship of the Naval Service of the Defence Forces or an Irish ship as defined by section 9 of the Mercantile Marine Act, 1955;

“internal waters” has the meaning given to it by section 5;

“island” means a naturally formed area of land surrounded by water which is above water at high water;

“low-tide elevation” means a naturally formed area of land which is surrounded by and above water at low water but submerged at high water;

“nautical mile” means the length of one minute of an arc of a meridian of longitude;

“ship” includes every description of vessel used in navigation whether on or under the surface of the water, howsoever propelled, and also includes a seaplane while it is in contact with the water.

2. *The territorial seas*

For the purposes of this Act, the territorial seas of the State shall be that portion of the sea which lies between the baseline and the outer limit of the territorial seas.

3. *Outer limit of the territorial seas*

For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of three nautical miles from the nearest point of the baseline.

4. *The baseline*

(1) Save as otherwise provided, the baseline is low-water mark—

(a) on the coast of the mainland or of any island, or

(b) on any low-tide elevation situated wholly or partly at a distance not exceeding three nautical miles from the mainland or an island.

(2) The Government may by order prescribe straight baselines in relation to any part of the national territory and the closing line of any bay or mouth of a river, and any line so prescribed shall be taken as the baseline.

(3) The Government may by order revoke or amend an order under subsection (2).

5. *Internal waters*

The internal or inland waters of the State shall extend to all sea areas which lie on the landward side of the baseline of the territorial seas and all such sea areas shall be subject to the jurisdiction of the State to the same extent in all respects as its ports and harbours, bays, lakes and rivers, subject to any right of innocent passage for foreign ships in those sea areas which previously had been considered as part of the territorial seas or of the high seas.

...

9. *Place of commission of offence*

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 where it actually was committed or arose or wherever the offender or person complained against may be.

10. *Jurisdiction in case of offences*

(1) Every offence committed within the territorial seas or internal waters is an offence within the jurisdiction of the State and may be dealt with by a court of competent jurisdiction although committed on board or by means of a foreign ship and a person who commits such offence may be arrested, tried and punished accordingly.

(2) For the purpose of arresting any person charged with an offence declared by this section to be within the jurisdiction of the State, the territorial seas and internal waters shall be deemed to be within the jurisdiction of any court, judge, justice or peace commissioner having power within the State to issue warrants for the arrest of persons charged with offences committed within the jurisdiction of such court, judge, justice or peace commissioner.

11. *Prosecution of an alien for offence on foreign ship*

(1) Proceedings (other than the taking of depositions) for the prosecution of an alien for an offence alleged to have been committed in the territorial seas on board or by means of a foreign ship shall not be instituted without the certificate of the Minister for External Affairs that the institution of the proceedings is in his opinion expedient.

(2) This section does not apply to an offence against Part XIII of the Fisheries (Consolidation) Act, 1959, or an offence under section 7.

12. *Saving as to jurisdiction*

Nothing in this Act shall be construed to be in derogation of any jurisdiction of the State under international law or to affect or prejudice any jurisdiction conferred by any other enactment or now by law existing.

14. *Adaptation of enactments*

(1) References in any enactment to sea areas and waters within three miles or one league of the coast or shore and cognate expressions shall be construed as references to sea areas and waters lying within the outer limit of the territorial seas.

(2) For the purposes of any other enactment the territorial seas shall be taken to comprise the sea area to which section 2 applies.

(b) MARITIME JURISDICTION ACT, 1959 (STRAIGHT BASELINES) ORDER,¹ 1959

...

3. Straight lines joining in succession the points the co-ordinates of which are given in a particular Part of the Schedule shall be straight baselines for the purposes of the Maritime Jurisdiction Act, 1959.

¹ *Statutory Instruments*, No. 173 of 1959. The Order came into operation on 1 January 1960.

SCHEDULE
TERMINAL POINTS OF STRAIGHT BASELINES

Reference Number	Co-ordinates of Points		Location
	North Latitude	West Longitude	
<i>Part A.</i>			
1.	55° 22.6'	7° 24.2'	Scart Rocks, Malin Head
2.	55° 15.4'	7° 47.1'	Melmore Head
3.	55° 13.7'	7° 58.9'	Horn Head
4.	55° 12.4'	8° 09.5'	Inishbeg
5.	55° 09.6'	8° 17.0'	Bloody Foreland
6.	55° 04.5'	8° 28.9'	Stag Rocks
7.	55° 00.8'	8° 33.8'	Rinrawros Point, Aran Island
8.	54° 42.0'	8° 48.2'	Malinmore Head
<i>Part B</i>			
9.	54° 39.6'	8° 47.3'	West entrance to Malinbeg Bay
10.	54° 17.8'	9° 03.3'	Lenadoon Point
11.	54° 19.7'	9° 20.5'	Downpatrick Head
<i>Part C</i>			
12.	54° 19.8'	9° 51.9'	Kid Island, Broadhaven
13.	54° 18.6'	9° 59.9'	Rocky Island, Erris Head
14.	54° 16.9'	10° 05.6'	Eagle Island
15.	54° 03.7'	10° 21.0'	Blacksod Bay (Rocks to S.W. of Black Rock)
16.	53° 58.3'	10° 16.5'	Carrickakin, Achill Island
17.	53° 36.3'	10° 19.2'	Kimmeen Rocks, Inishark
18.	53° 24.0'	10° 14.5'	Slyne Head
19.	53° 08.8'	9° 51.6'	Eeragh Island, Aran Islands
20.	53° 08.4'	9° 50.9'	South Island, Aran Islands
<i>Part D</i>			
21.	53° 05.2'	9° 38.5'	S.E. corner Inishmore, Aran Islands
22.	53° 03.9'	9° 37.0'	Inishmaan, Aran Islands
23.	53° 02.8'	9° 33.3'	Inisheer, Aran Islands
24.	52° 56.4'	9° 28.5'	Cregga More
25.	52° 43.8'	9° 38.2'	Donegal Point

Reference Number	Co-ordinates of Points		Location
	North Latitude	West Longitude	
<i>Part E</i>			
26.	52° 33.6'	9° 56.3'	Loop Head
27.	52° 25.2'	9° 56.8'	Kerry Head
28.	52° 17.6'	10° 10.4'	Deelick Point
<i>Part F</i>			
29.	52° 10.9'	10° 28.4'	Sybil Point
30.	52° 08.3'	10° 34.5'	Inishtooskert, Basket Islands
31.	52° 07.7'	10° 35.7'	Carrigduff, Basket Islands
32.	52° 04.6'	10° 41.0'	Tearaght Rocks West, Inistearaght
33.	52° 01.3'	10° 41.3'	Great Foze Rock
34.	51° 45.8'	10° 32.7'	Washerwoman Rock, Great Skellig
35.	51° 35.5'	10° 18.5'	Gull Rock, Dursey Island
36.	51° 34.2'	10° 14.8'	Calf Rock, Dursey Island
37.	51° 26.9'	9° 49.2'	Mizen Head
38.	51° 25.2'	9° 30.8'	Bream Point, Cape Clear
39.	51° 28.0'	9° 13.4'	The Stags, Toe Head
40.	51° 31.8'	8° 57.2'	Galley Head
41.	51° 34.2'	8° 42.7'	Seven Heads
42.	51° 36.3'	8° 32.0'	Old Head of Kinsale
43.	51° 49.5'	7° 59.0'	Ballycotton Island
44.	51° 52.9'	7° 51.2'	Capel Island, Knockadoon Head
45.	51° 56.5'	7° 42.4'	Ram Head
46.	51° 59.6'	7° 34.6'	The Rogue, Minc Head
47.	52° 07.4'	6° 55.7'	Hook Head
48.	52° 06.5'	6° 37.4'	Great Saltee Island (Southern most Point)
49.	52° 09.2'	6° 24.6'	Black Rock, Carnsore
50.	52° 10.3'	6° 21.8'	Carnsore Point

(c) MARITIME JURISDICTION ACT,¹ 1959 (CHARTS) ORDER, 1959*

(d) MARITIME JURISDICTION (AMENDMENT) ACT, 1964, section 3²

(e) MARITIME JURISDICTION (AMENDMENT) ACT, 1964 (SPECIFIED STATES) ORDERS,
1965 AND 1967, SCHEDULE, PART II³

¹ *Statutory Instruments*, No. 174 of 1959.

² *Infra* DIVISION IV. 15 (b).

³ *Ibid.*, (c).

24. IVORY COAST

DÉCRET¹ N° 67-334 DU 1^{er} AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE

Article 1^{er}. — Les eaux territoriales de la Côte d'Ivoire sont fixées à une distance de 6 milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies, rades et estuaires, des arrêtés déterminent la ligne à partir de laquelle cette limite est comptée.

Article 2. — Il est créé une zone contiguë aux eaux territoriales définies à l'article premier. Cette zone s'étend sur une largeur de 6 milles marins.

La Côte d'Ivoire se réserve le droit de réglementer la pêche à l'intérieur de ladite zone.

Article 3. — Sur toute l'étendue du plateau continental, zone comprise entre la laisse de plus basse mer et l'isobathe des fonds de 200 mètres, la Côte d'Ivoire se réserve tous droits quant à l'exploitation du sous-sol sous-marin.

Article 4. — Les infractions à la réglementation des pêches sont réprimées conformément aux articles 212 à 225 de la Loi 61-349 du 9 novembre 1961; celles relatives à la police de la navigation par l'article 183 de la même loi.

25. JAMAICA

The limits of territorial waters of Jamaica have been formally extended to a distance of twelve miles.²

26. KENYA

PROCLAMATION OF 6 JUNE 1969 BY THE PRESIDENT OF THE REPUBLIC OF KENYA CONCERNING THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE OF THE REPUBLIC OF KENYA³

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

¹ La note du Ministère des affaires étrangères de la République de Côte d'Ivoire n° 0456/AE/OI-2 du 30 mai 1968 précise que le décret a pour objet de protéger les richesses ichthyologiques situées à proximité des côtes ivoiriennes tout en réservant à la Côte d'Ivoire un droit de préemption sur les richesses minérales du plateau continental.

² Note of 27 March 1969 from the Permanent Representative of Jamaica to the Secretary-General of the United Nations.

³ *Kenya Gazette Supplement* No. 44, (*Legislative Supplement* No. 31) of 13 June 1969.

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

Now therefore, I, Jomo Kenyatta, President of the Republic of Kenya do hereby declare and proclaim

1. That notwithstanding any rule or practice to the contrary which may have been observed in the past relating to Republic of Kenya or the territorial sea of the Republic of Kenya, the territorial waters of the Republic of Kenya shall extend across the sea to a distance of twelve nautical miles, measured from the appropriate baselines.

2. This declaration shall not extend to the waters lying between the Republic of Kenya and the Republic of Tanzania in the Pemba Channel, where the width of such waters measured from the appropriate baselines is less than twenty-four miles, but the extent of the territorial waters shall be taken as a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the two States is measured.

3. In order to safeguard the vital economic interests of the inhabitants of the coastal region and to confirm the practice which has always existed, Ungwana Bay otherwise known as Formosa Bay is declared a historic bay constituting internal waters of the Republic of Kenya.

27. KUWAIT

DECREE OF 17 DECEMBER 1967 REGARDING THE DELIMITATION OF THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT¹

We, Sabah Al-Salem Al-Sabah, Amir of Kuwait,

Having noted Articles 1 and 65 of the Constitution, and

Annex III to Law No. 12 of 1964 regarding the Prevention of the Pollution of Navigable Waters by Oil, and

Law No. 48 of 1966 approving the Agreement of 7th July, 1965, concluded between the State of Kuwait and the Kingdom of Saudi Arabia concerning the Partition of the Neutral Zone between them, and

The International Convention on "The Territorial Sea and the Contiguous Zone" approved by the Geneva Conference and dated 29th April, 1958, and

The Concession Agreements² concluded between the Government of Kuwait and

¹ *Official Gazette* No. 658 of 24 December 1967, p. 4. The English text was provided by the Permanent Mission of the State of Kuwait to the United Nations.

² (a) In accordance with the information provided by the Permanent Mission of the State of Kuwait, the Oil Concession Agreement of 23 December 1934 between the Government of the State of Kuwait and Kuwait Oil Company referred to the territorial waters appertaining to Kuwait the breadth of which has been extended by the Agreement of

the Oil Companies operating in the territory of Kuwait, the (Partitioned) Neutral Zone, or in the sea-bed areas appertaining to each, and

Pursuant to the recommendation of the President of the Council of Ministers, and

After approval by the Council of Ministers,

Have decreed as follows:

Article 1

The territorial sea of the State of Kuwait extends seaward for a distance of twelve miles from the baselines of the mainland and of Kuwaiti islands as herein-after defined in Article 2 of this Decree.

Article 2

The base-lines from which the territorial sea of the State of Kuwait is measured are established as follows:

(a) Whereas the shore of the mainland or of a Kuwaiti island is fully exposed to the open sea, the low-water line along the coast is the baseline;

(b) Where there is a port or harbour, the outer-most permanent harbour works which form an integral part of the harbour system are considered as forming part of the coast;

(c) Where there is a low-tide elevation situated not more than twelve miles from the mainland or from a Kuwaiti island, the outer edge of the said low-tide elevation constitutes the baseline for measuring the territorial sea of the mainland or, as the case may be, of the island off which the elevation is situated;

(d) In the case of Kuwait Bay, the waters of which are internal waters, the baseline is the closing line across the entrance to the Bay established in Annex III to Law No. 12 of 1964 regarding Prevention of the Pollution of Navigable waters by Oil.

11 October 1955 (the Consolidated Supplemental Agreement) between the same parties to six miles. Article 3(b) of the Agreement reads as follows:

"3. (b) The area of the Concession covers and extends over the sea-bed and subsoil lying beneath the waters of the Persian Gulf subject to the authority of the Kuwait Government up to a distance of six nautical miles from the low-water baseline or basepoints at present used for delimiting the territorial waters of Kuwait, including the base line or base points along the shores of the islands of Warbah, Bubiyan, Failaika, Mashjan and Auha; provided that where said baseline crosses Kuwait Bay it shall, for this purpose, be drawn across the entrance of Kuwait Bay, that is, it shall be drawn from low-water mark at Ras al Ardh to the point at low-water mark on the opposite coast at latitude 29°27'10" North, longitude 40°14'00" East."

(b) In accordance with the information provided by the Permanent Mission of the State of Kuwait, the Oil Concession Agreement of 22 September 1949 between the Government of the State of Kuwait and the American Independent Oil Company has determined the territorial waters of Kuwaiti Islands of Kuber, Qaru and Umm-Al-Maradim for the purposes of the Oil Concessions by three miles. Second paragraph of article 1 of the Agree-

(c) See also the Oil Concession Agreement dated 15 January 1961 between the Ruler of Kuwait and Kuwait State Petroleum Development Co. Ltd. (article 1), *infra* DIVISION II, 26.

Article 3

In this Decree, the expression "island" means a naturally formed area of land surrounded by water, which is above water at mean high-water tides.

The expression "low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high-tide.

Article 4

If the territorial sea of Kuwait measured in accordance with the provisions of this Decree overlaps the territorial sea of another State or of the Zone partitioned by the Agreement relating to the Partition of the Neutral Zone dated 7th July 1965, the boundary shall be determined in conformity with the provisions of Article 12 of the Geneva Convention on the Territorial Sea and Contiguous Zone, referred to in the Preamble of this Decree.

Article 5

The enforcement of the provisions of this Decree shall not be understood as affecting in any way any rights of the interested parties in the submerged area to seawards of the Zone partitioned under the Partition Agreement of the Neutral Zone hereinabove mentioned.

Nor shall it be understood to detract in any way from any rights provided for in existing Concession Agreements between the Government of Kuwait and the Oil Companies operating in the territory of Kuwait, in the Partitioned Zone or in the sea-bed areas appertaining to each, particularly as regards the acreage of concession area as defined in the said agreements.

Article 6

Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources.

Article 7

The President of the Council of Ministers and the Ministers shall, each within his competence, execute the provisions of this Decree which shall come into force as from the date of its publication in the Official Gazette.

28. MADAGASCAR

DÉCRET N° 63-131 DU 27 FÉVRIER 1963 FIXANT LA LIMITE DE LA MER TERRITORIALE DE LA RÉPUBLIQUE MALGACHE¹

Article 1^{er}. — La limite extérieure de la mer territoriale est constituée par une ligne dont chaque point est à une distance de 12 milles marins du point le plus proche de la ligne de base telle qu'elle est définie à l'article suivant:

¹ *Journal officiel* du 9 mars 1963, p. 663.

Article 2. — La ligne de base à partir de laquelle est mesurée la largeur de la mer territoriale est le polygone irrégulier tel qu'il est tracé sur la carte annexée¹ (J.O. du 9 mars 1963 — pages 652 et 653) et dont les sommets sont définis par les points suivants:

- | | | |
|--|--|--|
| 1) Cap d'Ambre:
L = 11° 56' S.
G = 49° 15' E. | 14) Îlot indien:
L = 19° 48' S.
G = 44° 22' E. | 27) Baie de Ranofotsy:
L = 25° 11' S.
G = 46° 43' E. |
| 2) Nosy Anambo:
L = 12° 16' S.
G = 48° 39' E. | 15) Cap Ankarana:
L = 20° 29' S.
G = 44° 07' E. | 28) Pointe Haperina:
L = 25° 00' S.
G = 47° 06' E. |
| 3) Nosy Lava:
L = 12° 45' S.
G = 48° 40' E. | 16) Nosy Andriangory:
L = 20° 50' S.
G = 43° 45' E. | 29) Sainte-Luce:
L = 24° 46' S.
G = 47° 13' E. |
| 4) Nosy Iranja:
L = 13° 35' S.
G = 47° 50' E. | 17) Nosy Lava:
L = 21° 45' S.
G = 43° 16' E. | 30) Foulpointe:
L = 17° 41' S.
G = 49° 32' E. |
| 5) Nosy Lava:
L = 13° 35' S.
G = 47° 35' E. | 18) Nosy Hao:
L = 22° 05' S.
G = 43° 11' E. | 31) Pointe Albrand:
L = 16° 42' S.
G = 50° 02' E. |
| 6) Pointe Maromanjo:
L = 15° 31' S.
G = 46° 28' E. | 19) Les Coins de Mire:
L = 22° 26' S.
G = 43° 15' E. | 32) Cap Bellone:
L = 16° 13' S.
G = 49° 52' E. |
| 7) Cap Saint-André:
L = 16° 12' S.
G = 44° 27' E. | 20) Pointe Randrehana:
L = 22° 49' S.
G = 43° 21' E. | 33) Nosy Nepato:
L = 16° 00' S.
G = 50° 14' E. |
| 8) Île Chesterfield:
L = 16° 20' S.
G = 43° 58' E. | 21) Tuléar:
L = 23° 22' S.
G = 43° 28' E. | 34) Cap Tanjondaingo:
L = 15° 48' S.
G = 50° 20' E. |
| 9) Nosy Vao:
L = 17° 30' S.
G = 43° 46' E. | 22) Falaise de Lanivato:
L = 24° 20' S.
G = 43° 40' E. | 35) Nosy Voara:
L = 15° 28' S.
G = 50° 27' E. |
| 10) Nosy Mavony:
L = 18° 19' S.
G = 43° 45' E. | 23) Cap Andriamanoa:
L = 25° 00' S.
G = 44° 02' E. | 36) Nosy Ngotsy:
L = 15° 16' S.
G = 50° 28' E. |
| 11) Nosy Androtra:
L = 18° 30' S.
G = 43° 48' E. | 24) Nosy Hanitra:
L = 25° 14' S.
G = 44° 13' E. | 37) Pointe de Vohemar (Harambazaha):
L = 13° 21' S.
G = 50° 01' E. |
| 12) Cap Kimby:
L = 18° 52' S.
G = 44° 15' E. | 25) Cap Sainte-Marie:
L = 25° 35' S.
G = 45° 08' E. | 38) Nosy Akao:
L = 12° 48' S.
G = 49° 51' E. |
| 13) Delta de la Manombolo:
L = 19° 03' S.
G = 44° 13' E. | 26) Faux-Cap:
L = 25° 35' S.
G = 45° 31' E. | |

¹ La carte n'est pas reproduite pour des raisons techniques.

Article 3. — La ligne de base entre deux points consécutifs est la droite qui les réunit, sauf entre les points 29 (Sainte-Luce) et 30 (Foulpointe) où la ligne de base se confond avec la laisse de basse mer longeant la côte.

29. MAURITANIA

LOI¹ N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE²

...

LIVRE VII. — LE DOMAINE PUBLIC MARITIME ET LES EAUX TERRITORIALES

...

Eaux territoriales

Chapitre IV. — Délimitation

“*Article 1.* — Les eaux territoriales s’étendent jusqu’à une distance de douze milles marins à compter d’une ligne de base droite allant du Cap Blanc au Cap Timiris et pour la partie sud du littoral à compter de la laisse de basse mer.”

...

30. MEXICO

(a) POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES**

...

Article 27 (fifth paragraph, first part)

The waters of the territorial sea, within the limits and terms fixed by international law, the inland marine waters and the waters of lagoons and estuaries permanently or intermittently connected with the sea are national property...

...

Article 42

The national territory comprises:

...

V. The waters of the territorial sea to the extent and under terms fixed by international law and domestic maritime law;

...

¹ Voir aussi *infra* Chapter II. 12.

² Par la Loi n° 63.148 du 19 juillet 1963 et par la Loi n° 67.023 du 21 janvier 1967.

Article 48

The islands, keys and reefs of the adjacent seas which belong to the national territory, the continental shelf, the submarine shelf of the islands, keys and reefs, the territorial sea, the inland marine waters, and the space above the national territory shall depend directly on the Government of the Federation, with the exception of those islands over which the States have so far exercised jurisdiction.

(b) GENERAL ACT OF 31 DECEMBER 1941 ON NATIONAL PROPERTY, AS AMENDED^{1**}

...

Article 17

Property subject to public use consists of:

I. ...

II. The territorial sea, in accordance with the provisions of the Political Constitution of the United Mexican States, the laws derived from it, and international treaties. The territorial sea comprises coastal waters to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland, on the shore of islands forming part of the national territory, in estuaries connected permanently or intermittently with the sea, and in rivers flowing into the sea.

Where there are deep bays and inlets in the coast, or where there is a fringe of islands immediately adjacent to the coast, the base shall be a straight line drawn from the points farthest out to sea, provided this line does not depart appreciably from the general direction of the coast. The lines shall be drawn to the elevations which emerge at low tide, when these support lighthouses or installations which remain constantly above water level or when they lie wholly or partly at a distance from the coast of the mainland or from an island which does not exceed the breadth of the territorial sea. Permanent installations farther out to sea forming an integral part of the port system shall be considered part of the coast for the purposes of delimiting the territorial sea.

III. Inland waters, that is, those situated behind the baseline of the territorial sea or the line which joins the bays.

...

(c) ACT² OF 13 DECEMBER 1966 ON THE EXCLUSIVE FISHING ZONE OF THE NATION, article 3³

¹ On 21 December 1967. See *Diario Oficial* of 29 December 1967.

² *Diario Oficial* of 20 January 1967.

³ For the text, see DIVISION IV. 21.

31. NEW ZEALAND

(a) TERRITORIAL SEA AND FISHING ZONE ACT 1965
(No. 11 of 1965; 10 September 1965)

...

2. *Interpretation*

In this Act, unless the context otherwise requires,—

“Bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation. For the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation:

“Island” means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides:

“Low-water mark” has the meaning assigned thereto by section 9 of this Act:

“Low-tide elevation” means a naturally formed area of land which is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides:

“Nautical mile” means the international nautical mile.

3. *The territorial sea*

The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant three nautical miles from the nearest point of the baseline.

4. *Internal waters*

The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

5. *Baseline of the territorial sea*

(1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

6. *Baseline of the territorial sea adjacent to a bay*

In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall—

(a) If the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed twenty-four nautical miles, be a straight line joining the said low-water marks:

(b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed twenty-four nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks:

(c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line twenty-four nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

7. *Bed of territorial sea and internal waters vested in the Crown*

Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the sea-bed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand, including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

...

9. *Official charts*

(1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale New Zealand Government nautical chart for the time being of that area, or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

...

(b) CUSTOMS ACT 1966 (No. 19 of 1966; 16 September 1966), section 250¹

32. NIGERIA

(a) TERRITORIAL WATERS DECREE 1967 (No. 5 of 8 March 1967)

1. *Extension of limits of territorial waters*

1. (1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within twelve nautical miles of the coast of Nigeria (measured from low water mark) or of the seaward limits of inland waters.

¹ *Supra* Chapter IV. 5.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Military Government or of the Military Governor of a Region to make with respect to any matter laws applying to or to any part of the territorial waters of Nigeria.

(3) Accordingly—

(a) in the definition of territorial waters contained in section 18 (1) of the Interpretation Act 1964, for the words “three nautical miles” there shall be substituted the words “twelve nautical miles” and

(b) references to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries (Lagos) Act 1961) shall be construed accordingly.

In this subsection “existing Federal enactment” means any Act of Parliament or Decree passed or made before the commencement of this Decree (including any instrument made before 1st October 1960 in so far as it has effect as an Act) or any order, rules, regulations, rules of court or byelaws made before the commencement of this Decree in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the area covered by any lease, licence or prospecting right granted before the commencement of this Decree under the Mineral Oils Act or the Minerals Act.

(b) SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 1961; 29 September 1961), section 2¹

33. PAKISTAN

PROCLAMATION² BY THE PRESIDENT OF PAKISTAN CONCERNING THE TERRITORIAL WATERS OF PAKISTAN, DATED 26 DECEMBER 1966

“*Whereas* international law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast, commonly known as the territorial waters of the State;

And Whereas international practice is not uniform in regard to the extent of the territorial waters and, consequently, it is necessary to make a declaration as to the extent of the territorial waters of Pakistan;

Now, Therefore I, Field Marshal Mohammad Ayub Khan, N. Pk., H. J., President of Pakistan, 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 Pakistan or any part thereof, the territorial waters of Pakistan shall extend into the sea to a distance of twelve nautical miles measured from the appropriate base line.

¹ *Infra* DIVISION IV, 24.

² *Notification* of the Ministry of Foreign Affairs, dated 26 December 1966.

34. PANAMA

ACT¹ NO. 31 OF 2 FEBRUARY 1967

THE NATIONAL ASSEMBLY OF PANAMA

Considering:

That the Republic of Panama endorses the principles and purposes of the Declaration² on the Maritime Zone, signed at Santiago, Chile, on 18 August 1952 by the Governments of Chile, Ecuador and Peru, which are the following:

Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

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.

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.

And that Panama requires territorial sea of sufficient breadth to ensure the defence of its territory and the maintenance of the neutrality of the interoceanic route constructed therein,

Hereby Decrees as Follows:

Article 1. The sovereignty of the Republic of Panama is extended beyond its continental and insular territory and its inland waters to a zone of territorial sea two hundred (200) nautical miles in breadth, the bed and subsoil of the said zone and the superjacent air space.

35. PHILIPPINES

(a) REPUBLIC ACT NO. 3046 OF 17 JUNE 1961. AN ACT TO DEFINE THE BASELINES OF THE TERRITORIAL SEA OF THE PHILIPPINES

Whereas, the Constitution of the Philippines describes the national territory as comprising all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on December 10, 1898, the limits of which are set forth in Article III of said treaty together with all the islands embraced in the treaty concluded in Washington, between the United States and Spain on November 7, 1900, and in the treaty concluded between the United States and Great Britain on January 2, 1930, and all the territory over which the Government of the

¹ Amending and supplementing Act No. 58 of 18 December 1958.

² For the text, see ST/LEG/SER.B/6, p. 723.

Philippine Islands exercised jurisdiction at the time of the adoption of the Constitution;

Whereas, all the waters within the limits set forth in the above-mentioned treaties have always been regarded as part of the territory of the Philippine Islands;

Whereas, all the waters around, between and connecting the various islands of the Philippine archipelago, irrespective of their width or dimension, have always been considered as necessary appurtenances of the land territory, forming part of the inland or internal waters of the Philippines;

Whereas, all the waters beyond the outermost islands of the archipelago but within the limits of the boundaries set forth in the aforementioned treaties comprise the territorial sea of the Philippines;

Whereas, the baselines from which the territorial sea of the Philippines is determined consist of straight lines joining appropriate points of the outermost islands of the archipelago; and

Whereas, the said baselines should be clarified and specifically defined and described for the information of all concerned;

...

*Section 1*¹

...

Section 2. All waters within the baselines provided for in section one hereof are considered inland or internal waters of the Philippines.

(b) REPUBLIC ACT NO. 5446 OF 18 SEPTEMBER 1968. AN ACT TO AMEND SECTION ONE OF THE REPUBLIC ACT NUMBERED THIRTY HUNDRED AND FORTY SIX, ENTITLED "AN ACT TO DEFINE THE BASELINES OF THE TERRITORIAL SEA OF THE PHILIPPINES"¹

Section 1. To correct typographical errors, Section One of Republic Act numbered thirty hundred and forty six is amended to read as follows:

"*Section 1.* The baselines for the territorial sea of the Philippines are hereby defined and described specifically as follows:

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
Y'AMI Island (E)	21°07'03"	121°57'24"		
Line 1 (Y'AMI I. (E.)— Tumaruk Rk.)			353°27'	81,656
Tumaruk Rk	20°28'28"	122°02'06"		
Line 2 (Tumaruk Rk. —Balintang Is.)			347°13'	58,105
Balintang Islands	19°57'45"	122°09'28"		
Line 3 (Balintang Is. —Didicas Rk.)			357°05'	97,755

¹ See Republic Act No. 5446 of 18 September 1968, *infra* (b).

¹ *Supra* (a).

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
Didicas Rk	19°04'50"	122°12'18"		
Line 4 (Didicas Rk.— Iligan Pt.)			350°39'	86,155
Iligan Pt.	18°18'45"	122°20'15"		
Line 5 (Iligan Pt. Ditolong Pt.)			351°23'	136,030
Ditolong Pt.	17°05'50"	122°31'44"		
Line 6 (Ditolong Pt.— Diviuisa Pt.)			16°56'	34,378
Diviuisa Pt.	16°48'00"	122°26'06"		
Line 7 (Diviuisa Pt.— Dijohan Pt.)			21°01'	57,781
Dijohan Pt.	16°18'45"	122°14'28"		
Line 7a (Dijohan Pt.— Bulubalik Pt.)			10°52'	142,360
Bulubalik Pt.	15°02'56"	121°59'30"		
Line 8 (Bulubalik Pt.— Tinaga I.)			300°15'	120,986
Tinaga I.	14°29'45"	122°57'40"		
Line 9 (Tinaga I.— Horadaba Rks.)			286°27'	148,690
Horadaba Rks.	14°06'41"	124°17'23"		
Line 10 (Horadaba Rk.—Matulin Rk.)			306°34'	1,083
Matulin Rk.	14°06'20"	124°17'23"		
Line 11 (Matulin Rk.—Atalaya Pt.)			331°46'	178,480
Atalaya Pt.	12°40'59"	125°04'02"		
Line 11a (Atalaya Pt.—Finch Rk.)			313°30'	22,268
Finch Rk.	12°32'40"	125°12'57"		
Line 12 (Finch Rk.— SE of Manjud Pt.)			322°27'	14,225
SE Manjud Pt.	12°27'54"	125°17'59"		
Line 12a (SE of Manjud Pt.—Sora Cay)			322°27'	14,225
Sora Cay	12°21'47"	125°22'46"		
Line 13 (Sora Cay— Bunga Pt.)			321°03'	22,793
Bunga Pt.	12°12'10"	125°30'40"		
Line 13a (Bunga Pt.— Tubabao I.)			331°50'	12,686
Tubabao I.	12°06'06"	125°33'58"		
Line 14 (Tubabao I.— Tugnug Pt.)			355°22'	83,235
Tugnug Pt.	11°21'06"	125°37'40"		
Line 15 (Tugnug Pt.— Suluan I.)			331°03'	75,326

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
Suluan I.	10°45'20"	125°57'40"		
Line 16 (Suluan I.— Tuason Pt.)			347°51'	107,070
Tuason Pt.	9°48'33"	126°10'00"		
Line 17 (Tuason Pt.— Cautit Pt.)			355°25'	55,415
Cautit Pt.	9°18'35"	126°12'25"		
Line 18 (Cautit Pt. Arangasa Is.)			342°44'	49,703
Arangasa Is.	8°52'50"	126°20'28"		
Line 19 (Arangasa Is. —Quinablangan I.)			348°40'	131,330
Quinablangan I.	7°42'58"	126°34'30"		
Line 19a (Quinablangan I.—Above Languyan R.)			353°08'	25,619
Above Languyan R.	7°29'10"	126°36'10"		
Line 20 (Above Languyan R.—Pusan Pt.)			356°52'	22,489
Pusan Pt.	7°16'59"	126°36'50"		
Line 21 (Pusan Pt.— Tuguban Pt.)			26°39'	36,259
Tuguban Pt.	6°59'24"	126°28'00"		
Line 22 (Tuguban Pt. —Cape S. Agustin (N))			20°33'	83,350
Cape San Agustin (N)	6°17'03"	126°12'08"		
Line 22a (Cape S. Agustin (N)—Cape San Agustin (S))			30°16'	1,707
Cape San Agustin (S)	6°16'15"	126°11'40"		
Line 23 (Cape S. Agustin (S) Panguil Bato Pt.)			39° 23'	125,100
Panguil Bato Pt.	5°23'45"	125°28'42"		
Line 23a (Panguil Bato Pt.—Tapundo Pt.)			66°32'	7,484
Tapundo Pt.	5°22'08"	125°24'59"		
Line 24 (Tapundo Pt. —Manamil I.)			88°19'	7,667
Manamil I.	5°22'05"	125°20'50"		
Line 24a (Manamil I.—Balut I. (W))			139°01'	3,051
Balut I. (W)	5°23'20"	125°19'45"		
Line 25 (Balut I. (W) Middle of 3 Rk. Awash			124°47'	149,840
Middle of 3 Rk. Awash ..	6°09'39"	124°13'02"		
Line 26 (Middle of 3 Rk. Awash— TONGQUIL I.)			86°18'	259,400

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
TONGQUIL I.	6°00'15"	121°52'45"		
Line 27 (TONGQUIL I.—Sumbasumba I.)			61°29'	115,950
Sumbasumba I.	5°30'10"	120°57'35"		
Line 28 (Sumbasumba I. — Kinapusan Is.)			43°19'	44,445
Kinapusan Is.	5°12'37"	120°41'05"		
Line 29 (Kinapusan Is. —Manuk Manka I.)			63°14'	101,290
Manuk Manka I.	4°47'50"	119°52'10"		
Line 30 (MANUK MANKA I.— FRANCES REEF)			58°30'	80,847
Frances Reef.	4°24'54"	119°14'54"		
Line 31 (Frances Reef—Bajapa Reef)			134°34'	29,330
Bajapa Reef.	4°36'04"	119°03'36"		
Line 32 (Bajapa Reef —Pangan I.)			164°05'	13,480
Pangan I.	4°43'06"	119°01'36"		
Line 33 (Pangan I.— Omapoy I.)			238°48'	42,470
Omapoy I.	4°55'02"	119°21'15"		
Line 34 (Omapoy I.— Sanga-Sanga I.)			246°11'	51,005
Sang-Sanga I.	5°06'12"	119°46'30"		
Line 35 (Sanga-Sanga I. —Pearl Bank)			170°05'	80,200
Pearl Bank.	5°49'04"	119°39'01"		
Line 36 (Pearl Bank— Baguan I.)			103°12'	137,050
Baguan I.	6°06'00"	118°26'42"		
Line 36a (Baguan I.— Taganak I.)			76°52'	15,535
Taganak I.	6°04'05"	118°18'30"		
Line 37 (Taganak I.— Gt. Bakkungaan)			118°39'	24,805
Gt. Bakkungaan.	6°10'32"	118°06'42"		
Line 37a (Gt. Bakkungaan-SIBAUNG [Sibaung] I.)			136°04'	18,470
SIBAUNG I.	6°17'45"	117°59'45"		
Line 38 (SIBAUNG I.—Muligi I.)			215°36'	79,915
Muligi I.	6°53'00"	118°25'00"		
Line 39 (Muligi I.— Mangsee Is.)			119°14'	140,541

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
Mangsee Is.	7°30'10"	117°18'20"		
Line 39a (Mangsee Is. Cape Melville)			134°50'	48,815
Cape Melville	7°48'50"	116°59'30"		
Line 49 (Cape Melville —Ligas Pt.)			153°54'	15,665
Ligas Pt.	7°56'28"	116°55'45"		
Line 41 (Ligas Pt.— Cay).			170°40'	5,666
Cay	7°59'30"	116°55'15"		
Line 41a (Cay-Secam I.)			204°52'	22,925
Secam I.	8°10'47"	117°00'30"		
Line 42 (SECAM I. N. of Canipan Bay)			209°09'	54,990
N. of Canipan Bay	8°36'50"	117°15'06"		
Line 43 (N. of Canipan Bay—Tatub Pt.)			218°57'	18,570
Tatub Pt.	8°44'40"	117°21'28"		
Line 44 (Tatub Pt.— Punta Baja.)			222°04'	45,125
Punta Baja	9°02'50"	117°37'58"		
Line 45 (Punta Baja— Malapackun I.)			223°30'	32,195
Malapackun I.	9°15'30"	117°50'04"		
Line 46 (Malapackun I.—PIEIRAS Pt.)			225°50'	148,260
PIEIRAS Pt.	10°11'28"	118°48'18"		
Line 47 (PIEIRAS Pt.—Tapiutan I.)			203°19'	124,900
Tapiutan I.	11°13'40"	119°15'28"		
Line 48 (Tapiutan I.— Pinnacle Rk.)			208°47'	136,590
Pinnacle Rk.	12°18'34"	119°51'45"		
Line 49 (Pinnacle Rk.—Cape Calavite)			200°40'	134,230
Cape Calavite	13°26'40"	120°18'00"		
Line 50 (Cape Calavite —Cabra I.)			148°12'	58,235
Cabra I.	13°53'30"	120°00'58"		
Line 51 (Cabra I.— Caponos Is.)			179°26'	113,400
Caponos Is.	14°55'00"	120°00'20"		
Line 52 (Caponos Is.— PALAUIG Pt.)			168°09'	58,100
PALAUIG Pt.	15°25'50"	119°53'40"		
Line 53 (PALAUIG Pt.— Harmana Mayor I.)			164°17'	40,870
Harmana Mayor I.	15°47'10"	119°47'28"		
Line 53a (Hermana Mayor I.—Tambobo Pt.)			167°10'	20,490

	<i>N. Latitude</i>	<i>E. Longitude</i>	<i>Asimuth</i>	<i>Distance in Metres</i>
Tambobo Pt.	15°58'00"	119°44'55"		
Line 54 (Tambobo Pt.— Rena Pt.)			181°43'	22,910
Rena Pt.	16°10'25"	119°45'18"		
Line 54a (Rena Pt.— Cape Bolinao)			191°39'	18,675
Cape Bolinao	16°20'20"	119°47'25"		
Line 55 (Cape Bolinao —Darigayos Pt.)			226°20'	80,016
Darigayos Pt.	16°50'15"	120°20'00"		
Line 56 (Darigayos Pt.—Dile Pt.)			179°58'	81,616
Dile Pt.	17°34'30"	120°19'58"		
Line 56a (Dile Pt.— Pinget I.)			188°27'	12,060
Pinget I.	17°40'58"	120°20'58"		
Line 56b (Pinget I.— Badoc I.)			192°46'	27,170
Badoc I.	17°55'20"	120°24'22"		
Line 57 (Badoc I.— Cape Bojeador)			195°03'	65,270
Cape Bojeador	18°29'30"	120°34'00"		
Line 58 (Cape Bojeador —Dalupiri I.)			222°16'	101,740
Dalupiri I.	19°10'15"	121°13'02"		
Line 59 (Dalupiri I.— Catanapan Pt.)			213°29'	25,075
Catanapan Pt.	19°21'35"	121°20'56"		
Line 60 (Catanapan Pt.—Dequey I.)			202°27'	116,870
DEQUEY I.	20°20'06"	121°46'35"		
Line 61 (DEQUEY I.— RAILE)			180°47'	42,255
RAILE	20°43'00"	121°46'55"		
Line 62 (RAILE— Y'AMI I. (W))			200°30'	43,140
Y'ami I. (W)	21°07'26"	121°56'39"		
Line 63 (Y'ami I. (W)— Y'ami I. (M))			238°40'	237
Y'ami I. (M)	21°07'30"	121°56'46"		
Line 64 (Y'ami I. (M) —Y'Ami I. (E))			307°08'	1,376
Y'Ami I. (E)	21°07'03"	121°57'24"		

Section 2. The definition of the baselines of the territorial sea of the Philippine Archipelago as provided in this Act is without prejudice to the delineation of the baselines of the territorial sea around the territory of Sabah, situated in North North Borneo, over which the Republic of the Philippines has acquired dominion and sovereignty.

36. PORTUGAL

(a) ACT¹ No. 2130 OF 22 AUGUST 1966***Article I*

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast, as marked on charts officially recognized for that purpose by the Portuguese State.

2. The straight enclosing lines and baselines to be drawn by the Portuguese State, in accordance with international law, between points on its coast shall be set forth in a special instrument.

...

Article IV

Failing agreement to the contrary with a State whose coasts are adjacent or opposite to those of the Portuguese State, the limit of the territorial sea or of the contiguous zone shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

(b) LEGISLATIVE DECREE NO. 47771 OF 27 JUNE 1967**

Article I. On the continental European coast and on the coasts of the provinces of Guinea, Angola and Mozambique, the normal baseline for measuring the breadth of the territorial sea set forth in article I² of Act No. 2130 shall be supplemented by the closing lines and straight baselines defined by the points whose geographical co-ordinates are given in the following tables:

(1) Closing lines and straight baselines which supplement the normal baseline on the continental European coast:

<i>Point</i>	<i>Latitude N.</i>	<i>Longitude W.</i>
Cape Raso	38°42'29''	09°29'06''
Cape Espichel	38°24'46''	09°13'17''
Cape Sines	37°57'00''	08°53'21''

(2) Closing lines and straight baselines which supplement the normal baseline in Guinea:

<i>Point</i>	<i>Latitude N.</i>	<i>Longitude W.</i>
Jufunco point	12°11'53''	16°29'42''
Point north-west of Caió Islet	11°50'42''	16°20'09''
Acudama point	11°31'36''	16°25'32''
Igom point	11°19'24''	16°28'57''

¹ *Diário do Governo*, Series I, No. 194 of 22 August 1966, p. 1401. See also *infra* SUB-DIVISION B 19 and DIVISION IV. 27 (a).

² *Supra* (a).

<i>Point</i>	<i>Latitude N.</i>	<i>Longitude W.</i>
Anolhada (extreme west) point	11°17'40"	16°29'19"
Anqueiãramedi (extreme south) point	11°16'18"	16°28'53"
Ancumbe point	11°01'34"	16°11'04"
Poilao Islet	10°51'25"	15°43'35"
Pedras Más east of Meio Islet	10°58'48"	15°37'58"
Joao Vieira Island	11°02'24"	15°36'36"
Melo Island	10°56'40"	15°16'27"
South point of Canefaque Island	10°53'53"	15°06'18"

(3) Closing lines and straight baselines which supplement the normal baseline in Angola :

<i>Point</i>	<i>Latitude S.</i>	<i>Longitude E.</i>
Spilimberta point	08°35'00"	13°22'15"
Point of Luanda Island	08°45'34"	13°15'43"
Point on Luanda Island	08°47'02"	13°13'54"
Point south of Mossulo point	08°52'42"	13°07'42"
Giraul	15°08'02"	12°06'40"
Barreiras Brancas	15°13'00"	12°04'07"
Navio Beach	16°14'09"	11°48'00"
Point south of Marca point	16°32'39"	11°40'20"

(4) Closing lines and straight baselines which supplement the normal baseline in Mozambique :

<i>Point</i>	<i>Latitude S.</i>	<i>Longitude E.</i>
Cape Delgado	10°41'24"	40°38'54"
Tecomagi Island	10°45'24"	40°40'22"
Rongui Island	10°50'08"	40°41'38"
Vamizi Island	11°00'50"	40°43'53"
Quero-Niuni Island	11°41'30"	40°39'12"
Medjumbi Island	11°49'09"	40°38'09"
Querimba	12°27'09"	40°38'40"
Diabo point	12°45'48"	40°38'09"
Maunhane point	12°58'32"	40°36'02"
Metampia point	14°01'24"	40°38'42"
Point north of Cogune point	14°10'39"	40°44'06"
Point east of Pinda shoal	14°13'52"	40°47'49"
Relamzapo point	14°27'43"	40°50'55"
Quitangonha Island	14°51'15"	40°50'04"
Injaca Island	15°00'12"	40°48'17"
Goa Island	15°03'14"	40°47'33"
Sena Island	15°05'12"	40°46'37"
Infusse light	15°29'42"	40°33'54"
Mafamede Island	16°21'38"	40°02'45"
Puga-Puga Island	16°27'36"	39°57'12"
Caldeira Island	16°39'12"	39°43'52"
Moma Island	16°49'04"	39°31'52"
Epidendron Island	17°05'54"	39°08'12"
Casuarina Island	17°07'52"	39°05'28"
Fogo Island	17°14'58"	38°52'47"
Quisungo Island	17°19'40"	38°05'15"
Point north-east of Padjini point	25°17'12"	33°19'20"
Cape Inhaca	25°58'10"	32°59'40"

Article 2. In addition to those referred to in the preceding article, the Portuguese State shall use, as the baseline for measuring the breadth of the territorial sea, the closing lines which result from the application of international law at the entrance of inlets used for the loading, unloading and anchorage of ships, at the mouths of rivers and at the entrance to harbours.

Article 3. The Portuguese State shall in due course define, in accordance with international law, the closing lines and straight baselines which have been established for the coasts of other parts of the national territory.

37. SAUDI ARABIA

ROYAL DECREE¹ CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958)

Article 1

For the purposes of this Decree,

- a. The term "nautical mile" is the equivalent of 1,852 meters;
- b. The term "bay" includes any inlet, lagoon or other arm of the sea;
- c. The term "island" includes any islet, reef, rock, bar or permanent artificial structure not submerged at lowest tide;
- d. The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- e. The term "coast" refers to the coasts of the Red Sea, the Gulf of 'Aqabah, and the Persian Gulf.

Article 2

The territorial waters of the Kingdom of Saudi Arabia, as well as the air space above and the territorial sea-bed and the subsoil beneath them are under the sovereignty of the Kingdom, subject to the established provisions of international law.

Article 3

The inland waters of the Kingdom include:

- a. The waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- b. The waters above and landward from any shoal no more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- c. The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- d. The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

¹ English text of the Decree provided by the Permanent Mission of Saudi Arabia to the United Nations.

Article 4

The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

Article 5

The following are the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- a. Where the shore of the mainland or an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- b. Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- c. Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- d. Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;
- e. Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the island;
- f. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- g. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6

If the measurement of the territorial sea in accordance with the provisions of this Decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7

If the territorial sea measured from the baselines fixed by Article 5 of this Decree be overlapped by the waters of another State, boundaries will be determined by Our Government in agreement with that State in accordance with equitable principles.

Article 8

With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and health matters, maritime surveillance may be

exercised in a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the baselines of the territorial sea, in accordance with Article 5 of this Decree.

Article 9

The provisions of this Decree shall not affect the rights of the Kingdom with respect to fishing.

38. SENEGAL

LOI¹ PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-51 du 21 juin 1961)

Article 1^{er}. — Les eaux territoriales du Sénégal sont fixées à une distance de six milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies, rades et estuaires, des décrets fixent la ligne à partir de laquelle cette limite est comptée.

Article 2. — Il est créé une zone contiguë aux eaux territoriales fixées à l'article 1^{er}. Cette zone s'étend sur une largeur de six milles marins.

Article 4. — Les dispositions ci-dessus concernant les eaux territoriales et de la zone contiguë ne portent pas atteinte au principe de la libre circulation et de passage inoffensif reconnu à tous bâtiments étrangers navigant, stationnant, ou mouillant dans ces zones.

Un décret déterminera en tant que de besoin, les règles spéciales de police auxquelles les bâtiments étrangers navigant, stationnant ou mouillant dans ces eaux pourront être tenus de se conformer.

La présente loi sera exécutée comme loi de l'État.

¹ Le représentant permanent du Sénégal auprès des Nations Unies a transmis au Secrétariat, une lettre n° 01964/MTPUH-T du Ministère des Travaux Publics, de l'Urbanisme et des Transports, datée du 13 mai 1968, selon laquelle « le Gouvernement du Sénégal envisage de modifier cette loi qui ne lui paraît plus suffisante pour protéger les fonds de pêches traditionnels de ses nationaux. Un projet de texte a été récemment déposé tendant à porter les eaux territoriales à douze milles marins et à leur adjoindre une zone contiguë de six milles marins dans laquelle, comme dans le texte précédent, toute possibilité de régler serait offerte à l'État sénégalais dans un but de protection des fonds. »

39. SIERRA LEONE

(a) TERRITORIAL WATERS JURISDICTION ACT, 1878, section 7¹

(b) FISHERIES ORDINANCE (1 September 1957), section 2²

(c) FISHERIES REGULATIONS, 1957, section 4³

(d) FISHERIES (AMENDMENT) ACT, 1964⁴ (Act No. 58 of 1964)

...

2. Section 2 of the Fisheries Act is hereby amended by the deletion of the definition "territorial waters" appearing therein and the substitution thereof of the following new definitions—

"territorial sea" means any part of the open sea within twelve nautical miles of the coast of Sierra Leone measured from low water mark;

"territorial waters" means the territorial sea and includes inland waters.

...

(e) INTERPRETATION ACT, 1965⁵ (Act No. 7 of 1965)

...

Interpretation of particular terms

3. (1) In every Act, and every adopted law, unless a contrary intention appears—

...

"territorial sea" means any part of the open sea within twelve nautical miles of the coast of Sierra Leone measured from low water mark;

"territorial waters" means the territorial sea and includes inland waters;

...

40. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963 (ACT NO. 87 OF 1963)

1. *Definition of terms*

In this Act, unless the context otherwise indicates—

(i) "fish" means the living resources of the sea; (iv)

(ii) "low-water mark" means the lowest line to which the water of the sea recedes during periods of ordinary spring tides; (i)

¹ *Infra* Chapter V. 13.

² *Infra* DIVISION IV. 30 (a).

³ *Ibid.*

⁴ Supplement to the *Sierra Leone Gazette*, Vol. XCVI, No. 4, dated 14 January 1965.

⁵ Supplement to the *Sierra Leone Gazette*, Vol. XCVI, No. 39, dated 18 May 1965.

- (iii) "Republic" includes the territory of South-West Africa; (ii)
- (iv) "sea" means the water and the bed of the sea. (iii).

2. *Territorial waters of Republic*

The sea within a distance of six nautical miles from low-water mark shall be territorial waters of the Republic.

3. *Fishing zone*

The sea outside the territorial waters of the Republic, but within a distance of twelve nautical miles from low-water mark, shall constitute a fishing zone in respect of which the Republic shall in relation to fish and the catching of fish have and exercise the same rights and powers as in respect of its territorial waters as defined in section *two*.

4. *Application of certain laws in fishing zone*

The Republic shall have the right to exercise in the fishing zone as defined in section *three* any powers which may be considered necessary to prevent contravention of any fiscal law or any customs, emigration, immigration or sanitary law.

5. *Application of laws relating to territorial waters, etc.*

Any law relating to the territorial waters of the Republic or to the sea within a distance of three miles or three nautical miles from low-water mark, shall apply:—

- (a) in respect of the territorial waters of the Republic as defined in section *two*; or
- (b) in so far as such law relates to fish or fishing, in respect of the fishing zone as defined in section *three*.

6. *Determination of territorial waters and fishing zone in special cases*

(1) In the determination of the extent of the territorial waters of the Republic referred to in section *two*, the rules contained in the Convention¹ on the Territorial Sea and the Contiguous Zone signed at Geneva on the twenty-ninth day of April, 1958, shall apply.

(2) The rules referred to in sub-section (1) shall *mutatis mutandis* be applied also in the determination of the extent of the fishing zone referred to in section *three*.

7. *Exploitation of natural resources of, and application of laws relating to mining, precious stones, etc. to continental shelf*

The Continental shelf as defined in the Convention on the Continental Shelf Signed at Geneva on the twenty-ninth day of April, 1958, or as it may from time to time be defined by international convention accepted by the Republic, shall be deemed to be part of the Republic for the purposes of the exploitation of natural resources as defined in such convention, and of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of the Republic which adjoins such continental shelf, and for the purposes of any such law the said continental shelf shall be deemed to be unalienated State land.

¹ *Infra* Part II, DIVISION 1, Sub-Division A.3.

8. *Application to South-West Africa*

This Act shall apply also in respect of the territory of South-West Africa.

41. SUDAN

RESOLUTION¹ No. 1047 OF 2 AUGUST 1960 OF THE COUNCIL OF MINISTERS OF THE
SUDAN PERTAINING TO THE TERRITORIAL SEA

The Council of Ministers of the Republic of the Sudan resolved on 2 August 1960 that the territorial sea of the Sudan shall have a breadth of twelve miles.

42. SWEDEN

(a) ACT² No. 595 OF 1 DECEMBER 1950 CONCERNING THE LIMITS OF PUBLIC WATERS**

Article 1

A water area of the sea shall be public (public waters) unless it forms part of a property or properties (private waters).

Article 2

The water areas of the sea assigned to properties shall be as follows:

1. All waters within a distance of 300 metres from the mainland or from an island of not less than 100 metres in length and in addition, in places where the three-metre depth contour along the shore extends beyond the said distance, all waters within such depth contour; and

2. All waters which connect with the open sea only by way of the aforementioned waters;

Provided that waters off the coast of Bohus county between Gullmarsfjorden and Hakelfjorden, inclusive, may not be assigned to properties by virtue of subparagraph 2.

Article 3

Off the eastern and southern coasts of Sweden from the boundary with Finland to Listerhuvud in Blekinge, there shall likewise be assigned to properties all waters which are connected with the open sea by way of waters other than those referred

¹ The text of the Resolution has been communicated to the Secretariat by a *note verbale*, dated 2 December 1966, from the Permanent Mission of the Sudan to the United Nations. The resolution was also embodied in the Sudan Government Proclamation regarding the territorial sea in 1963.

² *Svensk författningsamling* 1950, No. 595.

to in article 2, sub-paragraph 2, on condition that such connecting waters do not exceed 1 kilometre in breadth as measured from the mainland or from an island of not less than 100 metres in length.

This provision shall not, however, apply to waters off Gotland or Öland or off other islands which are completely separated from the mainland by waters connecting with the open sea which exceed 1 kilometre in breadth as measured in the manner specified in the first paragraph.

Article 4

In Norrbotten and Kalmar counties, the following water areas of the sea shall also be assigned to properties:

In *Norrbotten county*, all waters at the mouth of the Torne River within a line from the boundary with Finland at 65 degrees 35 minutes north latitude in a westerly direction to 23 degrees 40 minutes longitude east of Greenwich, thence in a northerly direction to 65 degrees 45 minutes north latitude and thence in an easterly direction to Seskarö; and

In Kalmar county:

All waters within a line between the southern points of Sladö Ask and Äskeskär; Idöfjärden and Björkskärsdjupet within a line between the south-eastern points of Örskär, Idö Stångskär and Bussan;

All waters within the line: the south point of Ljungskär—Vinö Bredhäll—the north-eastern point of Boskär — the southern points of Örskären—Logen—Lilla (Södra) Ljusklabb—Soen;

All waters within the line: the south-eastern point of Tjudö—main island of the Träthällarna—the northern point of Långgrund—Slobbsudden—Oxlenäs—the north point of Sandö—the north point of Taktö—the east point of Taktö—the outermost small skerry of Eneskär—the south-eastern point of Eneskär—the north-eastern point of Vällöromp—the south point of Vällöromp—the east point of Stora Sillekrok—the east point of Gåsö; and

All waters within the line: the south point of Stångskär—the north-eastern point of Pata Enskär—the south point of Pata Enskär—Lilla Millgrund—the east point of Enskärkläppen—the east point of Ryssby Enskär—the south-eastern point of Långskär—Stånggrund—the south-eastern point of Ryggås—the east point of Stora Rocknekalven—the north point of Skäggenälandet.

Article 5

Public waters in water areas other than those of the sea are to be found only in Vänern, Vättern, Hjälmaren and Storsjön in Jämtland. These bodies of water shall be governed, *mutatis mutandis*, by the provisions of articles 1-3.

Article 6

In Hjälmaren and Storsjön, the following water areas shall also be assigned to properties:

In *Hjälmaren*, all waters bounded on the north by the group of skerries between Vraklandet and the north-western point of Vinön and on the east by Vinön and the line: the south-western point of Vinön—Fåran—Ramberget—Djursnäsudde; and

In *Storsjön*, all waters bounded in the direction of *Storsjöflaket* by the straight lines: the north-western point of *Andersön*—the north point of *Norderön*—the north point of *Värkön*—the south-eastern point of *Hammarnäslandet*.

Article 7

Where public waters are to be found off an island which constitutes a property or part of a property, the boundary with the public waters shall be deemed to follow the shore-line as determined in the manner hereinafter specified.

Article 8

For the purposes of this Act, shore-lines and water depths shall be determined in accordance with conditions at the following water levels:

In the sea, normal half-tide level;

In *Vänern*, 3.60 metres above the lower sluice-sill at *Sjötorp*;

In *Vättern*, 2.97 metres above the western sluice-sill at *Motala*;

In *Hjälmaren*, 2.77 metres above the southern sluice-sill at *Notholmen*; and

In *Storsjön*, 292.45 metres above the hydrographic datum of the system of heights which serves as the basis for the regulation of the lake.

*
* * *

This Act shall come into force on 1 January 1951.

For the purposes of this Act, the fact that the particulars of a specific area are given in an annex to a property register of a town or community shall not prevent the area from being regarded as forming part of a property or properties.

Where a water area was partitioned before 1 January 1951 and an additional water area is assigned, by virtue of this Act, to the partitioned area, the said additional water area shall be deemed to have been partitioned among the allotments of land situated along the shore in accordance with the principles set out in chapter 12, article 4, of the Land Code; provided that where the earlier partitioning was effected on a substantially different basis, the newly created water area shall be deemed to have been partitioned among the allotments of land whose water areas border thereon, with the result that there shall belong to each allotment of land that part of the newly created water area which is nearest to the water area already belonging to the allotment of land. The foregoing provision notwithstanding, in the event of a determination of the boundary, such adjustment shall be made as appears necessary to obtain a suitable extension of the boundary or to prevent an allotment of land from being separated from a public water area.

Special provisions have been enacted concerning compensation from public funds by reason of the fact that a water area which, in accordance with a judgement or by virtue of some other special title, was allocated to a property or properties or was otherwise regarded under the law in force at the time as belonging thereto has, in consequence of the new Act, ceased to belong to such property or properties.

(b) ACT¹ NO. 374 OF 3 JUNE 1966 CONCERNING THE TERRITORIAL WATERS OF SWEDEN**

...

Article 1

The territorial waters of Sweden shall comprise the internal waters and the territorial sea. In the direction of the open sea or the territory of another State, the territorial waters shall be bounded by the territorial limits.

Article 2

The internal waters shall include:

- (a) Lakes, watercourses and canals;
- (b) Harbours, bays and inlets situated along the coasts, and such water areas situated behind and between islands, holms and skerries as are bounded by straight lines determined by the King.

However, in the area between Klagshamn light and Kullen in the Sound, only harbours shall be included in the internal waters.

Article 3

The territorial sea shall include the water area situated outside the land areas and the internal waters of Sweden to a breadth of four nautical miles or 7,408 metres.

However, the territorial sea:

- (a) in the area nearest to the boundary with Norway, shall extend as far as a line at a distance of four nautical miles from and parallel to the straight line running through the northernmost of the skerries designated as "Stora Drammen" and the Hejeknubb half-submerged rock situated south-east of Heja Island;
- (b) in the Sound, shall not extend beyond the line in the longitudinal direction of the Sound which is specified in the Declaration between Sweden and Denmark of 30 January 1932 concerning the boundaries of the Sound;
- (c) in the Åland Strait, shall not extend beyond the boundary with Finland;
- (d) in the area nearest to the boundary with Finland in the Gulf of Bothnia, shall extend as far as a line at a distance of four nautical miles from and parallel to the straight line running from the southernmost skerry off Letto Island to the southernmost skerry off Selkäsarvi Island.

Article 4

In the use of land areas, the territorial sea shall be measured from the low-water line along the coast. Where, however, a skerry is exposed at low water but is submerged at half tide, the territorial sea shall be measured from such skerry only if it is situated at a distance of not more than four nautical miles from the nearest land area belonging to Sweden which is exposed at half tide.

¹ *Svensk författningssamling* 1966, No. 374. Came into force on 1 July 1966.

In the case of internal waters situated along the coasts, the territorial sea shall be measured from the outer boundaries (straight baselines) of such water areas.

(c) ROYAL NOTICE¹ No. 375 OF 3 JUNE 1966 CONTAINING REGULATIONS ON THE MEASUREMENT OF THE TERRITORIAL WATERS OF SWEDEN**

Article 1

The straight baselines referred to in article 4, second paragraph, of the Act² concerning the territorial waters of Sweden shall extend between those points on the low-water line along the coast which are given in the attached list (baseline points) or, in the case of a harbour on the open coast, shall extend across the mouth of the harbour.

Between baseline point 103 and the boundary with Finland, the territorial sea shall be measured from a straight baseline which coincides with the straight line running between point 103 and the southernmost skerry off Selkäsarvi Island (approximate position 65° 36.2' N, 24° 12.2' E).

Article 2

Save as otherwise provided in article 3, second paragraph, of the Act concerning the territorial waters of Sweden, the measurement of the territorial sea shall be effected in such manner that every point along the territorial limits shall be situated at a distance of four nautical miles from the nearest point on the coastline as referred to in article 4 of the said Act or the nearest point on a straight baseline.

List of baseline points

A horizontal line across column 1 denotes an interruption in the system of straight baselines.

1	2	3	4
<i>Baseline point</i>	<i>Designation and description</i>	<i>Approximate position</i>	
1	The centre of a straight line connecting the northernmost of the skerries designated as "Stora Drammen" and the Hejeknubb half-submerged rock situated south-east of Heja Island. (According to the arbitral award of 23 October 1909 in the question of the maritime boundary between Sweden and Norway)	58°56.5'N	10°55.2'E
2	Stora Drammen. North point	58°55.8'N	10°57.7'E
3	Stora Drammen west. West point	58°55.8'N	10°57.6'E
4	Klävningen-Mörholmen. West point	58°53.3'N	10°57.8'E
5	Segelskären. West point	58°46.7'N	10°58.7'E
6	Trolleskären. West point	58°32.2'N	11°01.3'E
7	Yttre Brottet. South-west point	58°19.7'N	11°12.4'E
8	Måseskär. West point	58°05.7'N	11°19.7'E

¹ *Ibid.*, No. 375. Came into force on 1 July 1966.

² *Supra* under (a).

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Baseline point</i>	<i>Designation and description</i>	<i>Approximate position</i>	
9	Dyran. West point	57°53.7'N	11°26.3'E
10	Vinga Ungar. West point	57°38.2'N	11°35.5'E
11	Klockfoten. South-west point	57°17.8'N	11°53.8'E
12	Klåback. South-west point	57°09.1'N	12°06.6'E
13	Rödskär. South-west point	57°03.8'N	12°14.6'E
14	Lindbaden. West point	56°55.1'N	12°21.5'E
15	Marsten. South-west point	56°49.8'N	12°31.2'E
16	Busörereven. South-west point	56°43.8'N	12°37.4'E
17	Tylö. West point	56°38.9'N	12°42.6'E
18	Hallands Väderö. West point	56°27.1'N	12°32.6'E
19	Kullen. West point	56°18.2'N	12°26.9'E
20	Klagshamn. West point	55°31.2'N	12°53.2'E
21	Västra Haken. North-west point	55°27.2'N	12°50.5'E
22	Skanör. West point	55°25.0'N	12°49.6'E
23	Falsterbo. South-west point	55°22.7'N	12°48.8'E
24	Måkläppen north. West point	55°21.9'N	12°48.4'E
25	Måkläppen south-west. West-south-west point	55°21.4'N	12°48.5'E
26	Falsterborev. South point	55°20.2'N	12°49.0'E
27	Segelskären. South-east point	55°22.7'N	12°56.1'E
28	Skåre läge. South point	55°22.5'N	13°03.2'E
29	Revhaken. South point	55°54.4'N	14°18.4'E
30	Kråknabben. South-east point	55°59.6'N	14°43.4'E
31	Hanö south. South point	56°00.0'N	14°50.7'E
32	Hanö south-east. South-east point	56°00.3'N	14°51.6'E
33	Tärnö. South-south-east point	56°06.6'N	14°58.5'E
34	Vitbåden. South-west point	56°04.8'N	15°28.7'E
35	Utklippan south-west. South-west point of the south-westernmost skerry of the island group	55°56.8'N	15°42.1'E
36	Utklippan south-east. South-east point of the south-easternmost skerry of the island group	55°56.9'N	15°42.4'E
37	Utlångan. South-east point	56°00.7'N	15°47.6'E
38	Southern point of Öland. South-east point	56°11.7'N	16°24.3'E
39	Långlöt. Easternmost skerry east-south-east of Långlöt church	56°44.0'N	16°46.0'E
40	Kapelludden. East-south-east point	56°49.2'N	16°51.0'E
41	Långöreudde. East point	56°50.8'N	16°52.3'E
42	Kesnäsudden. East point	57°10.7'N	17°04.6'E
43	Strandtorp. East point	57°13.7'N	17°05.2'E
44	Ångjärmsudden. East point	57°18.5'N	17°09.3'E
45	North-eastern point of Öland. North-east point	57°21.4'N	17°07.8'E
46	Lilla Båden. East point	57°35.7'N	16°49.9'E
47	Kungsgrundet. Light	57°41.1'N	16°54.4'E
48	Storkläppen. East point	57°50.6'N	16°51.1'E
49	Sandsankan. East point	58°18.6'N	17°10.0'E
50	Torsken. South point	58°32.1'N	17°13.3'E
51	Yttre Karvasen. South-south-east point	58°42.7'N	17°58.4'E

1 Baseline point	2 Designation and description	3 Approximate position	
52	Yttre Karvasen. South-east point	58°42.8'N	17°58.5'E
53	Roxen. South-east point	58°43.9'N	18°01.4'E
54	Västerbommen. South-east point	58°57.5'N	18°35.4'E
55	Stora Ivarn. South-east point	58°58.3'N	18°37.0'E
56	Själberget. South-east point	59°04.0'N	18°48.3'E
57	Österskär. South-east point	59°18.4'N	19°11.6'E
58	Söderbåden. South-east point	59°25.1'N	19°30.1'E
59	Ytterberget	59°37.2'N	19°38.7'E
60	Längden. North-north-east point	59°44.3'N	19°27.8'E
61	Tjärven. North-east point	59°47.6'N	19°22.4'E
62	Björkarbåden. North-east point	59°53.6'N	19°05.8'E
63	Bysholmen. East point	60°02.4'N	18°51.7'E
64	Halsaren. East point	60°13.3'N	18°55.0'E
65	Travarbulten (Travarn). East point	60°14.4'N	18°55.2'E
66	Understen. East point	60°16.6'N	18°55.5'E
67	Klacken. North-east point	60°25.7'N	18°49.7'E
68	Högkallegrund. North-east point	60°31.0'N	18°30.2'E
69	Järngrund. North-east point	60°38.5'N	18°01.3'E
70	Löfgrunds rabbar. North-east point	60°49.3'N	17°31.3'E
71	Storskvalpet. East point	61°10.5'N	17°20.6'E
72	Hällgrund. Light	61°16.7'N	17°24.1'E
73	Agö. East point	61°32.6'N	17°28.3'E
74	Gåshällan. East-south-east point	61°43.4'N	17°33.6'E
75	Gran. East point	62°01.0'N	17°38.8'E
76	Brämön. East point	62°13.1'N	17°44.9'E
77	Svenskär. East point	62°30.7'N	17°53.8'E
78	Härnöklubb. South-east point	62°36.0'N	18°03.6'E
79	Guldgrundet. South-east point	62°51.3'N	18°28.3'E
80	Gnäggen. South-east point	62°56.7'N	18°37.5'E
81	Skags Flasor. South-east point	63°12.3'N	19°05.4'E
82	Själbådan. South-east point	63°15.1'N	19°12.0'E
83	Norra Långrogrundet. South-south-east point	63°19.3'N	19°40.9'E
84	Sydvästbrotten. South-east point	63°24.8'N	20°01.8'E
85	Sönnerstgrundkallen. South-east point	63°34.5'N	20°44.6'E
86	Svartbådahällan. South-east point	63°35.3'N	20°47.2'E
87	Jägarstenen.	63°40.4'N	20°55.5'E
88	Idmanskallen. East-south-east point	63°41.0'N	20°56.2'E
89	Stora Fjäderägg east. East point	63°48.6'N	21°01.2'E
90	Stora Fjäderägg north-east. East-north-east point	63°48.8'N	21°01.0'E
91	Blankhällan. East point	63°59.0'N	20°54.9'E
92	Yttre Vänskär. South-east point	64°09.7'N	21°08.1'E
93	Blackkallen. South-east point	64°20.1'N	21°31.2'E
94	Grundskaten. East-south-east point	64°26.0'N	21°37.1'E
95	Kapagrund. East point	64°27.3'N	21°37.4'E
96	Skötgrönnan. East point	64°35.7'N	21°30.6'E
97	Storgrundet. South-east point	64°52.2'N	21°18.2'E
98	Rönnskär. South-east point	65°01.9'N	21°34.1'E
99	Södra Bondökallarna. South-east point	65°07.7'N	21°53.4'E
100	Marakallen. South-east point	65°16.9'N	22°37.0'E
101	Månshällorna. South point	65°27.8'N	22°46.2'E
102	Malören. South-south-east point	65°31.2'N	23°33.7'E

1	2	3	4
<i>Baseline point</i>	<i>Designation and description</i>	<i>Approximate position</i>	
103	Letto. South point	65°35.2'N	23°57.2'E
<i>Gotland</i>			
104	Nyrevsudden. West-north-west point	57°32.1'N	18°06.5'E
105	Utholmen. West point	57°25.9'N	18°05.3'E
106	Lilla Karlsö west. West point	57°18.7'N	18°03.2'E
107	Lilla Karlsö. West-south-west point	57°18.6'N	18°03.3'E
108	Hammarudd. West point	57°15.5'N	18°05.6'E
109	Näsrevet. West point	57°03.3'N	18°09.5'E
110	Hoburg. West point	56°55.2'N	18°07.5'E
111	Barshageudd. South point	56°54.4'N	18°11.7'E
112	Heligholmen. South-east point	56°55.3'N	18°17.3'E
113	Raudehunden. South-east point	56°57.6'N	18°21.4'E
114	Faludden. South-east point	56°59.7'N	18°24.1'E
115	Närsholmen. South-east point	57°13.4'N	18°42.1'E
116	Östergarn south. South point	57°25.8'N	18°59.3'E
117	Östergarn north-east. North-east point	57°26.8'N	18°59.5'E
118	Kyrkebingegrund. East point	57°33.7'N	18°49.3'E
119	Rute Missloper. South-east point	57°45.9'N	19°05.6'E
120	Holmudden. South-east point	57°57.5'N	19°21.2'E
121	Skärsändan. North point	57°59.2'N	19°18.5'E
122	Norsholmen. North point	57°59.9'N	19°14.6'E
123	Langhammarshammaren. North point	58°00.0'N	19°11.4'E
124	Hallshuk. North point	57°55.9'N	18°43.6'E

(d) ROYAL NOTICE¹ NO. 382 OF 3 JUNE 1966 TO REPEAL 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**

His Majesty, the King, has seen fit to order that the Order of 21 August 1924 concerning the extent of Swedish waters on the area nearest to the sea frontier between Sweden and Norway shall cease to have effect as from the end of June 1966.

(e) ROYAL NOTICE² NO. 483 OF 16 JUNE 1966 CONCERNING THE PEACE-TIME DIVISION OF THE ARMED FORCES AND THE DIVISION OF SWEDEN INTO MILITARY DISTRICTS

¹ *Svensk författningssamling* 1966, 29 June 1966, No. 382. By this Notice, 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 (see ST/LEG/SER.B, p. 41) has been repealed.

² *Svensk författningssamling* 1966, No. 483. By this Notice, Notice No. 634 of 30 November 1956 was repealed. By the latter Notice, Notice No. 317 of 5 June 1953 concerning the peace-time division of the armed forces and the division of the Kingdom into military districts (see ST/LEG/SER.B/6, p. 41) was repealed.

43. TANZANIA

PROCLAMATION ON THE TERRITORIAL WATERS OF THE UNITED REPUBLIC OF TANZANIA,
MADE BY THE PRESIDENT ON 30 MARCH, 1967

Whereas the Law of Nations recognises that the sovereign powers of a state extends to a belt of sea adjacent to its coasts:

And Whereas, in the absence of uniformity in international practice relating to the extent of the territorial waters of states, it is necessary that a declaration be made of the extent of the territorial waters of the United Republic of Tanzania:

Now Therefore, I, JULIUS KAMBARAGE NYERERE, President of the United Republic of Tanzania, do hereby declare and proclaim that, notwithstanding any rule of law or any practice which may hitherto have been observed in relation to the territory of Tanganyika or the territories formerly subject to the sovereignty of the Sultan of Zanzibar or the territorial waters thereof, except as hereinbelow provided, the territorial waters of the United Republic of Tanzania extend across the sea a distance of twelve nautical miles measured from the mean low water line along the coasts and adjacent islands as marked on charts numbers 1 to 4¹ issued by the Surveys Division of the Ministry of Lands, Settlement and Water Development, Dar es Salaam, on 30th March 1967 and registered with the Secretary General of the United Nations:

Provided that in respect of the island of Pemba where the distance between the baseline measured on Pemba and the mainland of Kenya is less than twenty-four nautical miles, the territorial waters of the United Republic of Tanzania extend up to the median line every point of which is equidistant from the nearest points on the baseline between Pemba and the mainland of Kenya as marked on the aforesaid charts:

44. TOGO

Le Togo n'a pas encore, d'une façon générale, défini la largeur de sa mer territoriale¹.

45. TUNISIA

LOI N° 62-35 DU 16 OCTOBRE 1962 (18 JOUMADA I 1382), MODIFIANT LE DÉCRET
DU 26 JUILLET 1951 (22 CHAOUAL 1370), PORTANT REFORGE DE LA LÉGISLATION
DE LA POLICE DE LA PÊCHE MARITIME ET DÉLIMITATION DES EAUX TERRITORIALES
DE LA RÉPUBLIQUE TUNISIENNE

Article unique. — L'article 3 du décret du 26 juillet 1951 (22 chaoual 1370) est abrogé et remplacé par les dispositions suivantes:

¹ Due to technical reasons, the charts are not reproduced here.

¹ Renseignement fourni par la Mission permanente du Togo auprès de l'Organisation des Nations Unies dans sa note n° A/III/2/16/MPT-ONU du 21 mai 1968. Voir *infra* DIVISION IV. 34, Loi n° 64-14 du 11 juillet 1964 portant réglementation de la pêche.

Article 3 (nouveau). — Est dénommée mer territoriale tunisienne :

a) De la frontière tuniso-algérienne à Ras-Kapoudia et autour des îles adjacentes, la partie de la mer comprise entre la laisse de basse mer et une ligne parallèle tracée à 6 milles au large, à l'exception du Golfe de Tunis qui, à l'intérieur de la ligne Cap-Farina, Île Plane, Île Zembra et Cap Bon, est entièrement compris dans ladite mer.

Au large de la mer territoire délimitée ci-dessus, une zone est réservée dans laquelle, seuls pourront être autorisés à pratiquer la pêche les navires battant pavillon tunisien.

La zone de pêche est fixée à 12 milles à partir de la ligne de base qui sert de point de départ pour mesurer la largeur de la mer territoriale telle qu'elle est déterminée au paragraphe *a)* ci-dessus ;

b) De Ras-Kapoudia à la frontière tuniso-lybienne, la partie de la mer limitée par une ligne qui, partant du point d'aboutissement de la ligne des 12 milles décrite ci-dessus, rejoint sur la parallèle de Ras-Kapoudia l'isobathe de 50 mètres et suit cet isobathe jusqu'à son point de rencontre avec une ligne partant de Ras-Aghdir en direction du Nord-Est- $Z_v = 45^\circ$.

46. TURKEY

ACT¹ CONCERNING THE TERRITORIAL SEA (Law No. 476 of 15 May 1964)**

Article 1. Turkey's territorial sea is included in the territory of Turkey.
The breadth of Turkey's territorial sea is six nautical miles.

For the purposes of this Act a nautical mile is equivalent to 1,852 metres.

Article 2. In relation to States whose territorial sea is of greater breadth, the breadth of Turkey's territorial sea shall be determined in accordance with the principle of reciprocity.

Article 3. Where the distance between Turkey's land territory and the land territory of a neighbouring State is less than the total of the breadth of the territorial seas of each of the two States, the median line shall, failing agreement to the contrary, constitute the outer limit of Turkey's territorial sea.

Article 4. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

In localities where the coastline is indented or where there are islands near the coast, the method of straight baselines joining salient points of the coast and islands shall be employed.

Article 5. The following shall be regarded as forming part of Turkey's internal waters: waters on the landward side of the baseline; bays the width of whose mouths does not exceed twenty-four nautical miles; in the case of bays the width

¹ *Official Gazette* No. 11,711 of 25 May. See also article 8, *infra* DIVISION IV. 36.

of whose mouths exceeds twenty-four nautical miles, those parts enclosed by a straight baseline of twenty-four miles drawn within the bay in such a manner as to join the two sides and to include on the landward side the maximum area of water; waters on the landward side of the outermost permanent harbour works which form an integral part of the harbour system; roadsteads.

Article 6. The territorial sea of islands shall be established in accordance with the principles set forth above.

Article 7. The baseline for measuring the breadth of the territorial sea shall be marked on large-scale charts and duly publicized for the benefit of those concerned.

Article 8. In zones contiguous to Turkey's territorial sea and extending to a distance of twelve nautical miles from the baseline from which the territorial sea is measured the régime of the territorial sea shall be applied in respect of fishing and exploitation of living resources.

Article 9. The provisions of international treaties, conventions and agreements to which Turkey is a party shall not be affected hereby.

Any provisions of law and regulations which are contrary to this Act are hereby repealed.

47. UNION OF SOVIET SOCIALIST REPUBLICS

REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, article 3¹

48. UNITED KINGDOM

(a) TERRITORIAL WATERS ORDER IN COUNCIL 1964²

...

2. (1) Except as otherwise provided in Articles 3 and 4 of this Order, the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured shall be low-water line along the coast, including the coast of all islands comprised in those territories.

(2) For the purposes of this Article a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide eleva-

¹ *Infra* Chapter III. 7 (a).

² Made on 25 September, came into operation on 30 September 1964.

tions were disregarded for the purpose of the measurement of the breadth thereof and if Article 3 of this Order were omitted shall be treated as an island.

3. (1) The baseline from which the breadth of the territorial sea is measured between Cape Wrath and the Mull of Kintyre shall consist of the series of straight lines drawn so as to join successively, in the order in which they are there set out, the points identified by the co-ordinates of latitude and longitude in the first column of the Schedule to this Order, each being a point situated on low-water line and on or adjacent to the feature, if any, named in the second column of that Schedule opposite to the co-ordinates of latitude and longitude of the point in the first column.

(2) The provisions of paragraph (1) of this Article shall be without prejudice to the operation of Article 2 of this Order in relation to any island or low-tide elevation which for the purpose of that Article is treated as if it were an island, being an island or low-tide elevation which lies to seaward of the baseline specified in paragraph (1) of this Article.

4. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall, subject to the provisions of Article 3 of this Order—

(a) if the bay has only one mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 miles, be a straight line joining the said low-water lines;

(b) if, because of the presence of islands, the bay has more than one mouth and the distances between the low-water lines of the natural entrance points of each mouth added together do not exceed 24 miles, be a series of straight lines across each of the mouths drawn so as to join the said low-water lines;

(c) if neither paragraph (a) nor (b) of this Article applies, be a straight line 24 miles in length drawn from low-water line to low-water line within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

5. (1) In this Order—

the expression “bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation, and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water line around the shore of the indentation and the straight line joining the low-water lines of its natural entrance points, and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths, and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;

the expression “island” means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides; and

the expression “low-tide elevation” means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides.

...

SCHEDULE

POINTS BETWEEN CAPE WRATH AND THE MULL OF KINTYRE
JOINED TO FORM BASELINES

<i>Co-ordinates of latitude and longitude of point</i>						<i>Name of Feature</i>	
<i>Latitude North</i>			<i>Longitude West</i>				
1	58	37	33	5	00	00	Cape Wrath
2	58	31	14	6	15	46	Lith Sgeir
3	58	29	08	6	20	27	Dell Rock
4	58	18	16	6	48	18	Tiumpán
5	58	17	40	6	52	54	Mas Sgeir
6	58	17	06	6	55	31	Stac nam Balg
7	58	14	33	7	02	00	Gallan Head
8	58	13	56	7	03	00	—
9	58	10	38	7	06	58	Eilean Molach
10	57	59	03	7	17	50	Gasker
11	57	41	15	7	43	00	Haskeir Eagach
12	57	32	33	7	43	46	Clettan a Fer
13	57	14	25	7	27	24	Rudha Ardvule
14	57	00	46	7	31	36	Greian Head
15	56	57	21	7	33	43	—
16	56	56	56	7	34	19	Ard Caolas
17	56	56	00	7	34	51	Biruastil
18	56	49	16	7	39	32	Guarsay Point
19	56	48	00	7	40	00	Sron an Duin
20	56	47	07	7	39	37	Berneray Island
21	56	19	22	7	06	48	Skerryvore
22	56	08	00	6	38	03	Dubh Artach
23	55	41	36	6	32	03	Frenchman's Rocks
24	55	40	20	6	30	55	Orsay Island
25	55	35	19	6	20	12	Mull of Oa
26	55	17	57	5	47	52	Mull of Kintyre

(b) MARINE AND BROADCASTING (OFFENCES) ACT 1967 (1967 Chapter 41; 14 July 1967), section 9¹

CAYMAN ISLANDS

Lobster (Restriction on Fishing) Law, 1964 (No. 18 of 1964; 22 October 1964) as amended, section 2²

VIRGIN ISLANDS

Treasury Ordinance (Chapter 186), section 37³

¹ *Infra* Chapter VIII. 3.

² *Infra* DIVISION IV. 39, Cayman Islands (b).

³ *Infra* Chapter IV. 10, Virgin Islands.

49. UNITED STATES OF AMERICA

SUBMERGED LANDS ACT, 22 MAY 1953, sections 2 and 4¹

50. VENEZUELA

(a) ACT² OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION OF FISHERIES AND AIR SPACE

TITLE I

The territorial sea and the contiguous zone

Article 1. The territorial sea of the Republic of Venezuela shall extend over the entire length of its continental and insular coasts to a width of 22 kilometres and 224 metres (12 nautical miles), measured from the baselines referred to in article 2 of this Act.

National sovereignty over the territorial sea shall extend to the waters, bed, subsoil and resources thereof.

Where the limit established in this article coincides with foreign territorial waters, the matter shall be settled by agreements or other methods recognized by international law.

Article 2. The territorial sea shall be measured generally from the line of the lowest tide. When circumstances require a special regime because of the configuration of the coastline or the presence of nearby islands, or when the particular interests of a given region so justify, measurement shall be made from straight baselines.

Waters within the straight baselines shall be deemed to be internal waters forming part of the national territory.

The National Executive shall determine such straight baselines, which shall be marked on official geographical charts.

Article 3. For the purposes of maritime control and vigilance, to guard the security of the nation and to protect its interests, a contiguous zone of 5 kilometres and 556 metres (3 nautical miles) shall be established.

...

TITLE IV

Air space

Article 9. The air space over the territory of the Republic of Venezuela up to the outer limit of its territorial sea comes within its sovereignty.

¹ *Infra* Chapter IX. 18 (a).

² *Gaceta Oficial* No. 496 Extraordinary of 17 August 1956.

(b) CONSTITUTION¹ OF THE REPUBLIC OF VENEZUELA OF 23 JANUARY 1961**
 TITLE I. THE REPUBLIC, ITS TERRITORY AND POLITICAL DIVISIONS

Chapter II

The Territory and Political Divisions

Article 7. The national territory is that which belonged to the Captaincy General of Venezuela before the political transformation initiated in 1810, with the modifications resulting from treaties validly concluded by the Republic.

The sovereignty, authority and vigilance over the territorial sea, the contiguous maritime zone, the continental shelf, and the air space, as well as the ownership and exploitation of property and resources contained within them, shall be exercised to the extent and conditions determined by law.

51. WESTERN SAMOA

There is no formal definition of the territorial sea of Western Samoa.²

52. YEMEN ARAB REPUBLIC

RESOLUTION NO. 17 OF THE PRESIDENT OF THE YEMEN ARAB REPUBLIC, DATED
 30 APRIL 1967

The President of the Yemen Arab Republic resolved³ on April 30, 1967, that the territorial sea of the Yemen Arab Republic shall have a breadth of twelve miles.

53. YUGOSLAVIA

LAW⁴ OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE
 AND CONTINENTAL SHELF

Article 1

The sovereignty of Yugoslavia extends to its marginal seas, including also the air space above them as well as the bed and the subsoil of those seas.

¹ *Gaceta Oficial* of 23 January 1961.

² The information was transmitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

³ The information was provided by a *note verbale* of 22 May 1967 from the Permanent Representative of the Yemen Arab Republic to the United Nations.

⁴ *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent division of Yugoslavia to the United Nations.

The marginal seas of Yugoslavia are composed of the internal waters and the territorial sea.

...

Article 11

The territorial sea is a belt of the sea whose breadth is 10 nautical miles measured from the baseline towards the high seas.

The baseline is formed by:

- (1) a low-water line along the shore of the mainland and the isles;
- (2) straight lines closing the mouths of bays;
- (3) straight lines connecting the following points on the shore of the mainland and on the shore of the islands:

(a) cape Zarubača—the south-eastern cape of the island Mrkan—the southern cape of the island Sv. Andrija—cape Gruj (on the island Mljet).

(b) cape Korizmeni (island Mljet)—islet Glavat—cape Struga (island Lastovo)—cape Veljeg Mora (island Lastovo)—the south-western cape of the island Kopsite—cape Velo Danče (island Korčula)—cape Proizd—the south-western cape of the island Vodnjak—cape Rat (island Drvenik Mali)—rock Mulo—rock Blitvenica— island Purara— island Balun— island Mrtovac— island Garmenjak Veli—a point on the island Dugi otok whose coordinates are 43° 53' 12" N and 15° 10' 0" E;

(c) cape Veli Rat (Dugi otok)—rock Masarine—cape Margarina (island Susak)—rock Albanež— island Grunj—rock Sv. Ivan na Pučini—rock Mramori— island Alteiz—cape Kastanjija.

The straight lines referred to in sub-paragraph 3 of paragraph 2 of the present article must be marked on the maritime chart "Jadransko more" (Adriatic Sea), scale 1:1,000,000, published by the Hydrographic Institute of the Yugoslav navy. A reproduction of that chart is an integral part of the present Law.

In determining the baselines of the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be considered as a part of the coast.

The outer limit of the territorial sea is a line every point of which is 10 nautical miles distant from the nearest point of the baseline.

...

Chapter II
NAVIGATION THROUGH THE TERRITORIAL SEA
AND SAFETY OF SHIPS THERE

1. ARGENTINA

- (a) LAW NO. 17094-M 24 OF 29 DECEMBER 1966, article 3¹
- (b) DECREE NO. 8802 OF 22 NOVEMBER 1967. PROVISIONAL REGULATIONS GOVERNING THE ISSUE TO FOREIGN VESSELS OF PERMITS FOR THE EXPLOITATION OF THE LIVING RESOURCES OF THE ARGENTINE TERRITORIAL SEA, article 7²

2. AUSTRALIA

- (a) NAVIGATION ACT 1912-1967³ (No. 60 of 1967, 18 September 1967)

PART I. INTRODUCTORY

...

2. *Application of Act*

(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—

(a) is engaged in trade or commerce with other countries or among the States or with or among the Territories under the authority of the Commonwealth; or

(b) is on the high seas, or in waters which are used by ships engaged in trade or commerce with other countries or among the States; or

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

(d) belongs to, or is in the control of, the Commonwealth and is included in a prescribed class of ships.

...

¹ *Supra* Chapter I, 1 (a).

² *Infra* DIVISION IV. 1 (d).

³ This Act comprises the Navigation Act 1912-1966, as amended. For the Navigation Act 1912-1953, see ST/LEG/SER.B/6, pp. 59-63.

3. *Act does not apply to naval ships, etc.*

Except where the contrary intention appears, this Act does not apply to or in relation to a vessel belonging to the naval, military or air forces of the Commonwealth or of any other country, including a foreign country.

6. *Interpretation*

(1) In this Act, unless the contrary intention appears—

...

“foreign-going ship” means a ship employed in trading or going between a place or places in Australia and a place or places outside Australia;

“Government ship” means a ship—

(a) which belongs to the Commonwealth or a State;

(b) the beneficial interest in which is vested in the Commonwealth or a State;

(c) which is for the time being demised or subdemised to or in the exclusive possession of the Commonwealth or a State; or

(d) which is registered in Australia as a Government ship for the purposes of the Merchant Shipping Act,

and includes a ship that belongs to the naval, military or air forces of the Commonwealth, but does not include a ship which belongs to the Australian Coastal Shipping Commission constituted under the *Australian Coastal Shipping Commission Act 1956*;

...

“nuclear ship” means a ship provided with a nuclear power plant”;

...

“river and bay ship” means—

(a) a ship which is employed exclusively in trading or going between places within the limits of a port, bay or river in Australia or within prescribed limits in a gulf or gulfs in Australia; or

(b) a ship, or a ship included in a class of ships, specified by the Minister by notice in the *Gazette*, being a ship which trades exclusively within the limits of a port, bay or river in Australia specified in the notice and within a radius of three nautical miles seaward from the entrance of that port, bay or river;

...

“tidal water” means a part of the sea, or a part of a river within the ebb and flow of the tide at ordinary spring tides, but does not include a harbour;

“vessel” means a vessel used in navigation, other than air navigation, and includes a barge, lighter or like vessel;

PART IV. SHIPS AND SHIPPING

Division 1. General

...

192A. *Detention of ships not registered in Australia*

(1) Where, under this Part, a foreign ship is detained or proceedings are taken against the owner or master of such a ship, such officer as is prescribed shall forth-

with give notice in writing, specifying the grounds on which the ship has been detained or the proceedings have been taken, to the consul for the country in which the ship is registered at or nearest to the port where, for the time being, the ship is.

(2) Where notice of the detention of a ship is given to a consul under the last preceding sub-section, a person named by the consul may accompany any person directed to survey the ship while he is carrying out the survey.

...

192B. *Stability information*

The regulations may make provision for or in relation to the carrying on a ship of information with respect to the stability of the ship and, without limiting the generality of the foregoing, regulations so made may specify the tests or other data on which such information is to be based.”

...

192C. *Nuclear ships*

(1) The regulations may make provision for ensuring that nuclear ships do not cause unreasonable radiation or other nuclear hazards to the crews or passengers of such ships, or to other persons, or to any waterways or food or water resources.

(2) Without limiting the generality of the last preceding sub-section, the regulations that may be made by virtue of that sub-section include regulations—

(a) making provision for or in relation to the preparation and the maintaining, in respect of a nuclear ship registered in Australia, of a Safety Assessment, that is to say, a document setting out prescribed information with respect to the ship and its power plant to enable an assessment to be made from time to time of the safety of the ship and of its power plant for the purpose of ensuring that there is no unreasonable radiation or other hazard to the crew or passengers of the ship or to other persons, or to waterways or food or water resources;

(b) making provision for or in relation to the preparation and the maintaining, in respect of a nuclear ship registered in Australia, of an Operating Manual, that is to say, a document setting out prescribed information with respect to the operation of the power plant of the ship;

(c) specifying requirements to be complied with in relation to a nuclear ship before it enters a port in Australia, including the giving of notice that the ship proposes to enter the port, the furnishing of prescribed information and the production of the Safety Assessment of the ship, or of a document that is issued by the government of another country in respect of the ship and corresponds with a Safety Assessment; and

(d) requiring the giving of notice by the master of a nuclear ship of any accident causing, or likely to cause, the existence of a hazard on, or in the vicinity of, the ship.

(3) The owner or master of a nuclear ship shall not permit the ship to enter Australia unless a person authorized by the Minister for the purposes of this sub-section has informed the owner or master of the ship that he is satisfied as to the safety of the ship with respect to radiation and other nuclear hazards.

(4) A person who contravenes the last preceding sub-section or a provision of the regulations made by virtue of this section is guilty of an offence punishable upon conviction by a fine not exceeding Two thousand dollars.

...

Divisions 11. Collisions, Loss and Damage

258. *Collisions, lights and signals*

(1) The regulations may prescribe measures to be observed for the prevention of collisions and may make provision for or in relation to the provision and use on ships of lights and signals.

...

Division 13. Reports of Accidents and of Dangers to Navigation

268. *Accidents, etc., to be reported*

Where a ship registered in Australia, or where, during a voyage to a port in Australia or within the limits of Australia or the territorial waters of Australia, a ship not registered in Australia—

(a) has sustained or caused an accident occasioning loss of life or serious injury to a person;

(b) has received damage that has rendered, or is likely to render, the ship unseaworthy or has affected, or is likely to affect, the efficient operation of the boilers or machinery of the ship;

(c) has been in a position of great peril, either from the action of some other ship or from danger of wreck or collision;

(d) has been stranded or wrecked; or

(e) has fouled or done any damage to a pipeline or submarine cable or to a lighthouse, lightship, beacon, buoy or other marine mark, not being a lighthouse, lightship, beacon, buoy or marine mark to which section nineteen B of the *Lighthouses Act 1911-1957* applies,

where a ship, having left a port in Australia, has put back to that port, the master of the ship shall, as soon as practicable, having regard to the means of communication available to him, report the happening to such person as is prescribed and shall, if so requested by or on behalf of that person, furnish a report in writing to that person in the prescribed form.

Penalty: One hundred pounds.

269. *Notification of loss of ships*

If—

(a) the owner or agent of a ship registered in Australia or engaged in the coasting trade has reason to believe that the ship has been wholly lost; or

(b) the owner or agent of any other ship has reason to believe that the ship has been wholly lost on or near the coast of Australia,

he shall forthwith give notice in writing to the Minister that he believes the ship to be lost and shall state, to the best of his knowledge, the probable cause of the loss.

Penalty: Fifty pounds.

269A. *Report of dangers to navigation*

(1) If the master of a ship registered in Australia or engaged in the coasting trade meets with, or is informed of any serious danger to navigation on or near his course, he shall—

(a) if the ship is fitted with a radio installation, send out the prescribed safety signal, followed by a message conveying such information as is required by the regulations, or if the ship is not so fitted, communicate the information, by any other means of communication at his disposal, to ships in the vicinity; and

(b) make a report to shore as soon as possible, to the person and in the manner prescribed.

Penalty: Fifty pounds.

(2) Every person in charge of a wireless telegraph station which is within the jurisdiction of the Commonwealth (including a station in a territory under the authority of the Commonwealth), or which is established or installed under licence granted under the *Wireless Telegraphy Act 1905-1919*, shall on receiving the prescribed safety signal, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Minister, shall transmit the information in the manner directed by him.

(3) Compliance with the provisions of sub-section (2) of this section shall be deemed to be a condition of every licence granted under the *Wireless Telegraphy Act 1905-1919*.

(4) This section does not apply where compliance with this section would interfere with the transmission of a signal of distress.

(5) The transmission, in pursuance of this section, of messages respecting ice, derelicts or other dangers to navigation shall be free of cost to the ships concerned.

...

PART V. PASSENGERS

...

272. *Provision for passengers wrecked*

If—

(a) any ship carrying passengers is wrecked, or is disabled and unable to proceed on her voyage within a reasonable time, whilst on her voyage from one port to another in Australia; or

(b) any ship carrying passengers coming from any port outside Australia is wrecked on the coast of Australia,

the owner or master shall cause the passengers to be taken on to their destination, and shall defray their maintenance until so taken on:

Provided that, if any passenger is tendered and accepts the return of the passage money paid by him, such liability shall cease.

PART VI. THE COASTING TRADE

...

286. *Permits to unlicensed ships*

(1) Where it can be shown to the satisfaction of the Minister, in regard to the coasting trade with any port or between any ports in the Commonwealth or in the Territories under the authority of the Commonwealth—

- (a) that no licensed ship is available for the service; or
 (b) that the service as carried out by a licensed ship or ships is inadequate to the needs of such port or ports,
 and the Minister is satisfied that it is desirable in the public interest that unlicensed ships be allowed to engage in that trade, he may grant permits to unlicensed ships to do so, either unconditionally or subject to such conditions as he thinks fit to impose.

PART VII. WRECKS AND SALVAGE

Division 2.¹ Wreck

...

Division 3. Salvage

315.² *Salvage for saving life*

(1) Where services are rendered within Australian waters in saving life from any ship, or elsewhere in saving life from any ship registered in Australia, 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.

(3) Where—

(a) the ship, and the cargo and equipment of the ship are destroyed; or

(b) the value of the ship, and of the cargo and equipment of the ship, after payment of any expenses incurred in saving them, is insufficient to pay the amount of salvage payable in respect of the preservation of life,

the Minister may, in his discretion, pay to the salvor, out of moneys appropriated by the Parliament for the purpose, such sum as he thinks fit in whole or part satisfaction of an amount of salvage payable in respect of the preservation of life left unpaid.

...

317A.³ *Assistance to persons in danger at sea*

(1) The master of a ship shall, so far as he can do so without serious danger to his ship, her crew and passengers (if any), render assistance to any person, even if such person be a subject of a foreign State at war with the King, who is found at sea in danger of being lost.

(2) The master of a vessel who fails to comply with the provisions of this section shall be guilty of an indictable offence.

¹ For sections 296 and 305, see ST/LEG/SER.B/6, p. 60.

² Section 316 (see ST/LEG/SER.B/6, p. 61) was repealed by section 158 of the Navigation Act 1958 (No. 36 of 1958; 27 May 1958).

³ For section 317, see ST/LEG/SER.B/6, p. 61.

(3) Compliance by the master of a vessel with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

...

Division 6.¹ Removal of Wreck

...

PART IX.² COURTS OF MARINE INQUIRY

...

356.³ *Establishment of Courts of Marine Inquiry*

(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 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. *Powers of Court*

(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;

(b) where a shipwreck or casualty occurs in any part of the world to a ship registered in Australia;

(c) where some of the crew of a ship, which has been wrecked or to which a casualty has occurred, who are competent witnesses to the facts, are found in 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;

(e) where the incompetency or misconduct or failure of duty has occurred on board a ship registered in Australia;

(f) where the master, mate, or engineer of a British ship who is charged with incompetency or misconduct is found in Australia;

¹ For section 329, see *ibid.*

² Part VIII (Pilots and Pilotage) reproduced in ST/LEG/SER.B/6, pp. 61-62 was repealed by section 161 of the Navigation Act 1958 (No. 36 of 1958).

³ As amended by section 162 of the Navigation Act 1958 (No. 36 of 1958).

(g) where any ship is lost or supposed to have been lost, and any evidence is obtainable in Australia as to the circumstances under which she went to sea or was last heard of; and

(h) where it appears to the Minister, on a report made in consequence of a medical examination made under this Act, that a master, mate, or engineer holding a certificate of competency issued or recognized under this Act is incompetent by reason of his unfitness to perform the duties ordinarily required of a person employed in a position corresponding to that certificate.

...

PART X. LEGAL PROCEEDINGS

Division I.¹ Jurisdiction

...

383.² *Power to detain foreign ship that has occasioned damage*

(i) Whenever—

(a) a foreign ship has, whether within or without the Commonwealth, caused injury to property belonging to the Queen, the Commonwealth, a State, a Commonwealth country other than Australia, a British subject or a citizen of a Commonwealth country; and

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

the High Court or the Supreme Court of a State may, upon its being shown 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 Court, to abide the event of any legal proceedings 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.

¹ For section 380, see ST/LEG/SER.B/6, p. 62.

² As amended by section 177 of the Navigation Act 1958 (No. 36 of 1958).

(b) BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION ACT 1932-1961¹
(No. 62 of 1961; 24 October 1961)

...

4. *Vessels not to be sunk without permission*

(1) Any person who, without having obtained permission in accordance with this section, 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 Minister.

(3) Where an application is made under the last preceding sub-section the Minister 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 Minister thinks fit.

(4) Where the Minister 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 Minister 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) A person who sinks a vessel at sea, whether in accordance with permission obtained under this section or not, shall, within seven days after the sinking, furnish to a prescribed officer a report, in accordance with the prescribed form, of the sinking.

Penalty: Fifty pounds.

...

STATES OF AUSTRALIA

NEW SOUTH WALES

*Navigation Act 1901-1966*² *

¹ The Act comprises the Beaches, Fishing Grounds and Sea Routes Protection Act 1932 (See ST/LEG/SER.B/6, p. 66) as amended. For sections 2, 3 and 5, see ST/LEG/SER.B/6, pp. 66-67.

² The provisions of the Navigation Act 1901-1954, as reproduced in ST/LEG/SER.B/6, pp. 67-70, remain in force.

QUEENSLAND

Queensland Marine Acts, 1958 to 1967¹
(No. 1 of 1967, 2 March 1967)

PART I. PRELIMINARY

...

6. *Exemptions*

Except where this Act or any Proclamation, Order in Council, regulation or rule made hereunder otherwise provides this Act, including every Proclamation, Order in Council, regulation or rule hereunder, shall not apply to—

- (i) Her Majesty's ships;
- (ii) Ships of the naval, military, or air forces of any Commonwealth country, including Australia and any Commonwealth country other than Australia, or of any British possession not a Commonwealth country, and, save ships usually engaged in carrying passengers or cargo or both passengers and cargo for hire or reward, ships which belong to the Government of any such Commonwealth country or British possession or which are held by any person on behalf of or for the benefit of any such Government, or which are employed in the service of any such Government; or
- (iii) Ships of the naval, military, or air forces of any foreign Government.

For the purposes of this section "Commonwealth" means the British Commonwealth of Nations, and "Commonwealth country" means a country that is a member of the Commonwealth, including every territory for whose international relations the Government of that country is responsible.

...

8. *Meaning of terms*

(1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

...

Foreign-going ship

"Foreign-going ship"—Includes every ship which, not being a coaster or harbour and river ship, is employed in trading or going between any port in the jurisdiction and any place beyond the jurisdiction;

...

¹ According to the information contained in a note of 7 June 1968 from the Permanent Mission of Australia to the United Nations, the Acts are generally limited in their application to vessels plying in the internal and territorial waters of Queensland and to vessels plying solely between ports under Queensland jurisdiction. See *infra* notes to PART VIII, sections 161 and 168 of this Act.

The jurisdiction

“The jurisdiction”—Queensland, including the territorial waters of Queensland and the inland navigable waters of the State;

...

Vessel

“Vessel”—Includes any ship, boat, and any other description of vessel used or designed for use for any purpose on the sea or in navigation: Without limiting the generality of the foregoing, the term includes any dinghy, lighter, barge, punt, hulk, raft, houseboat, pontoon, seaplane, or like vessel;

...

PART VII. SAFETY AND PREVENTION OF ACCIDENTS

*Division VI. Regulations for Preventing Collisions—Concerning Lights, Signals, Persons in Distress, etc.*140. *Regulations for preventing collisions*

(1) Without limiting the general power to make regulations conferred by section two hundred and sixty-four of this Act, regulations may be made under that section with respect to vessels 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”) may contain such requirements as appear to the Governor in Council to be necessary or desirable for the purpose.

...

143. *Duties of master in case of collision*

(1) In every case of collision between two ships the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew, and passengers (if any) shall—

- (i) Render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no need of further assistance; and also
- (ii) Give to the master or person in charge of the other ship the name of his own ship and of the port at which she is registered or to which she belongs, and also the names of the ports from which she comes and to which she is bound.

...

144. *General duty to assist persons in danger at sea*

(1) The master or person in charge of a ship shall, so far as he can do so without serious danger to his own ship, her crew, and passengers (if any) render assistance to every person whomsoever who is found at sea in danger of being lost; and if he fails to do so he is guilty of a misdemeanour.

Obligation to assist vessels, etc., in distress

(2) (a) The master of a ship on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, shall proceed with all speed to the assistance of the persons in distress (informing them, if possible, that he is doing so), unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to do so, or unless he is released under the provisions of paragraphs (c) or (d) of this subsection.

(b) Where the master of any ship or other vessel or an aircraft in distress has requisitioned any ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(c) A master shall be released from the obligation imposed by paragraph (a) of this subsection as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(d) A master shall be released from the obligation imposed by paragraph (a) of this subsection, and, if his ship has been requisitioned, from the obligation imposed by paragraph (b) of this subsection, if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(e) If a master of a ship fails to comply with any of the provisions of this subsection he shall be guilty of a misdemeanour.

(f) If the master of a ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book of his reasons for not going to the assistance of those persons, and if he fails to do so he commits an offence against this Act.

(g) The master of every ship shall forthwith on the receipt thereof at sea enter or cause to be entered in the official log book every signal of distress or message that a ship or other vessel or an aircraft or person is in distress at sea, and if he fails to do so he commits an offence against this Act:

Provided that if an official log book is not required by this Act to be kept on the ship, the master of the ship shall forthwith on the receipt thereof at sea enter or cause to be entered in a book suitable for the purpose every such signal of distress or message and shall produce every such book on demand to a shipping inspector or other official of the Board and if he fails to do so he commits an offence against this Act.

(h) Nothing in this subsection shall affect the provisions of subsection one of this section.

Saving

(3) Compliance by the master of a ship with the provisions of subsections one and two of this section shall not affect any right which would be had but for those provisions.

145. *Report of danger to navigation*

(1) The master of any ship, on meeting on or near his course with a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with the regulations made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed.

(2) If the master of a ship fails to comply with the provisions of this section he commits an offence against this Act.

(3) For the purposes of this section, the term "tropical storm" includes a cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

PART VIII. PILOTAGE¹*Division I. Port Pilotage*160. *Application of this Division*

This Division of this Part shall apply to—

- (i) The port of Brisbane;
- (ii) Every port being a harbour in respect to which a Harbour Board is constituted under "*The Harbours Acts, 1955 to 1956*";
- (iii) Every port whereat a pilot, being appointed under any Act repealed by this Act, remains so appointed at the commencement hereof;
- (iv) Such other ports as the Governor in Council may by Proclamation declare as ports to which the application of this Division of this Part is extended:

Provided that the Governor in Council may from time to time by Proclamation declare that this Division of this Part shall cease to apply and extend to any specified port whereupon the provisions of the said Division shall cease to apply to that port accordingly.

161. *Definition of limits of ports*²

For the purposes of this Division of this Part the Governor in Council may from time to time, by Proclamation, define the limits of all or any of the ports referred to in section one hundred and sixty of this Act (which limits, in the case of those ports specified in subparagraphs (i), (ii), and (iii) of the aforesaid section one of this section, may or may not correspond with the limits thereof at the commencement of this Act), and may from time to time in like manner alter any such limits.

...

¹ According to information contained in a note of 7 June 1968 from the Permanent Mission of Australia to the United Nations, PART VIII of this Act applies to all vessels both Australian and foreign.

² According to the information received from the Permanent Mission of Australia to the United Nations in its note of 7 June 1968 section 161 provides for the proclamation of the limits of ports for pilotage purposes. Generally such limits are contained within the boundaries of the territorial sea. However, the Government reserves the right to extend such limits beyond the territorial sea if considerations of the safety of navigation appear to warrant such action.

167. *Duty to facilitate pilot getting on board*

(1) Where any ship not exempted from the provisions of this Division of this part relating to compulsory pilotage is within, or within ten miles of the limits of and intending to enter, any port to which the said Division applies and any qualified pilot, having the proper distinguishing flag flying or using the proper distinguishing lights in his pilot ship, is within hail or is approaching within a mile of the former ship, then the master of that ship shall, by heaving to in proper time, or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board.

Penalty: One hundred pounds.

...

168. *Duty to display pilot signal¹*

(1) The master of any ship not exempted from the provisions of this Division of this Part relating to compulsory pilotage and intending to enter any port to which the said Division applies shall from the time when the ship is ten miles from the limits of the port until a qualified pilot comes on board, use or display the usual signal for a pilot.

(2) The master of any ship who requires the services of a qualified pilot shall use or display the usual signal for a pilot.

(3) Any master of a ship who commits any contravention of this section shall be guilty of an offence against this Act.

Penalty: One hundred pounds.

...

PART IX. INQUIRIES AND INVESTIGATIONS INTO SHIPPING CASUALTIES, INCOMPETENCY,
AND MISCONDUCT

...

187. *Jurisdiction, etc., of Board*

(1) The Board is hereby authorised—

- (i) To hold a formal investigation into any shipping casualty which has occurred;
- (ii) To hold a formal investigation for the purpose of hearing and determining any charge of incompetency or misconduct on the part of any master, mate, engineer, or other person holding a certificate of competency or service, in respect of incompetency or misconduct on any coaster or passenger coaster (whether plying within restricted limits or not) or any harbour and river ship, or any other prescribed vessel, in or near the jurisdiction;

...

¹ According to the information received from the Permanent Mission of Australia to the United Nations, in its note of 7 June 1968, this section has application to vessels on the high seas, and intending to enter a Queensland port.

- (iii) To hold a formal investigation for the purpose of hearing and determining any charge of incompetency or misconduct on the part of any person holding any license (including a pilot's license), or any pilotage exemption certificate, issued under this Act, in respect of incompetency or misconduct on any ship, or other prescribed vessel, in or near the jurisdiction,".

...

PART XI. PORTS

Division I. Control of Ports

...

210. *Prevention of pollution of water of jurisdiction*

Without limiting the power to make regulations conferred by section two hundred and sixty-four of this Act, regulations may be made under that section for preventing the pollution of the navigable or tidal waters of the jurisdiction whether by the discharge of oil, oily substances, or water or other fluids impregnated with oil, or by any other means howsoever.

A person contravening any of the provisions of the aforesaid regulations shall be guilty of an offence against this Act.

Penalty: Three hundred pounds.

211. *Vessels sunk or stranded*

A person commits an offence against this Act who without the consent of the Board in writing first had and obtained does or causes or suffers to be done any of the following things so as to be injurious to or tend to the injury of navigation—

Casts, or places, or leaves any vessel laid by or neglected as unfit for sea service or other service for which it was used, or any timber whether floating or otherwise, or any other thing, in or on any port.

Penalty: Two hundred pounds.

...

PART XIII. LEGAL PROCEEDINGS AND DETENTION OF VESSELS

231. *Jurisdiction in relation to offences*

For the purpose of giving jurisdiction under this Act and without derogating from the provisions of section one hundred and thirty-nine of "*The Justices Acts, 1886 to 1956*," every offence under this Act shall be deemed to have been committed, and every cause of complaint to have arisen, either—

- (i) In the place in which it actually was committed or arose; or
- (ii) In any place in which the offender or person complained against is, or was arrested or served with the summons for the offence in question.

...

PART XIV. MISCELLANEOUS

...

252. *Power to search ships*

Any person authorised by the Board, with such assistants as he requires, may search any vessel in any port whenever he has ground for believing the search to be necessary for the due performance of his duty under this Act.

*SOUTH AUSTRALIA**Harbors Act, 1936-1967*¹

(No. 53 of 1967; 9 November 1967)

...

PART III. MANAGEMENT AND CONTROL OF HARBORS

*Division V. Pilots and Pilotage*90. *Duty to display pilot signal*

(1) The master of any such ship when within ten miles of any pilot boarding stations and intending to enter any port to which this Part applies 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.²

*TASMANIA**Marine Act 1921-1967*

(No. 57 of 1967; 7 December 1967)

PART I

Preliminary

...

3. *Application of Act*

(1)¹ Nothing in this Act applies to or in relation to vessels of the naval, military, or air forces of any—

- (a) Commonwealth country; or
- (b) foreign Government.

...

¹ The provisions of Harbors Act, 1936-1953, reproduced in ST/LEG/SER.B/6, pp. 70-73, were not amended by this Act, except for section 90 (1), the text of which is cited above.

² For the text reproduced here, see Harbors Act Amendment Act, 1965 (No. 30 of 1965; 2 December 1965), section 3.

PART VII

*General Duties and Powers**Division I. Duties of boards*

...

64. *General powers of boards*

(1) Every board shall have power

(g) to regulate navigation, including power to fix the times at which any vessel may berth at, or depart from, any wharf in any port within the jurisdiction of the board;

(h) to keep every port and wharf clear and unincumbered and fit for use by shipping, and to deal with and dispose of any goods or any articles which may incumber or render unfit for use any port or wharf, and to abate and remove any nuisance or obstruction in any port at the expense of the person, if any, causing the same, or otherwise;

...

(j) to prohibit navigation by a specified class of vessel in any specified waters generally or during any specified period: Provided that any by-law under this paragraph shall be first approved by the Governor;

...

(l) to provide for the safety of ports and wharves, and of shipping in or at any port or wharf, and to take such measures as may be necessary for the preservation of life and property in or at any port or wharf;

(m) to provide for the prevention of accidents resulting from the use of vessels of any kind (including rowing-boats and vessels used as pleasure yachts), for the licensing of any such vessels to which Part XIV does not apply, for the cancellation of licences issued in respect of any such vessels, and prohibiting the use of any such vessels which are unlicensed or of which the licence has been cancelled;

...

(o) to regulate the conduct of persons in charge of any shipping, or being upon or about, or resorting to, any shipping or wharf;

(p) to grant certificates in respect of, and issue licences to, any vessel or person for any special use or purpose of shipping or navigation, and to fix fares and charges;

...

65B. *Unauthorized dumping and reclamation work*

(1) No person shall—

(a) cast or discharge into, or place or leave in, under, or upon any waters within the jurisdiction of a board or trust any prohibited things; or

(b) reclaim or attempt to reclaim any land beyond or below the high-water mark of any such waters,

without the consent, in writing, of the board or trust.

Penalty: Two hundred pounds.

PART XI

Pilotage

...

95. *Inward bound vessels to receive pilot*

Upon arrival of a vessel by sea at or off any port, the master shall immediately receive on board the duly appointed or licensed pilot who first offers himself for its conduct into port, and upon production by the pilot of his appointment or licence shall give the vessel in charge to such pilot.

Penalty: Fifty pounds, in addition to pilotage charge.

96. *Exemption: Distinguishing flag*

A master of a vessel otherwise bound to take a pilot shall (if possessed of an exemption certificate), on approaching within six nautical miles of the shore, display, and keep displayed, at its only or main masthead the distinguishing flag appointed by the board, and unless such vessel shall actually employ a pilot, it shall be exempt from payment of any pilotage rate or charge. Such master shall produce on demand his exemption certificate to any pilot or officer of the board.

97. *Outward-bound vessels to employ pilot*

The master of any vessel (if not possessed of an exemption certificate), when proceeding to sea or to some other place within the same port, shall employ a pilot for its conduct to sea or to such other place, and shall notify the board at a reasonable time beforehand that a pilot is required.

Penalty: Fifty pounds, in addition to pilotage charge.

...

PART XIII

*Casualties and Collisions*124. *Application of this Part*

This Part shall apply to—

(a) any casualty happening to any vessel, and any collision occurring between any vessels, the master or mate or engineer of which, or of either or any of which, holds a certificate granted by a board;

(b) any casualty or collision occurring within the jurisdiction of a board, whether any officer of a vessel concerned holds such certificate or not; and

(c) any loss of life or any personal injury occurring upon, or in connection with the navigation of, any vessel mentioned in paragraph (a) or (b), whether or not the person whose life is lost, or who is injured, is a member of the vessel's company.

125. *Inquiries into casualties and collisions*

Any such casualty shall be inquired into in the following manner:

(1) (a) The master shall report the casualty or collision forthwith to the Authority.

...

(b) The chairman of the Authority shall, as soon as practicable after receipt of that report, direct an officer of the Authority or of a board to conduct a preliminary inquiry into the casualty and to report thereon to the Authority;

(c) On receipt of a report under paragraph (b) of this subsection the Authority shall decide whether any further inquiry is necessary and, if it considers that a further inquiry is necessary it—

- (i) shall request the Governor to direct a further inquiry to be held; and
- (ii) shall at the same time furnish a copy of the finding of the officer by whom the preliminary inquiry is conducted and a copy of the evidence on which that finding is based to the master or other person affected thereby and shall also furnish to the Governor, for the use of any court of inquiry that he may direct to inquire into the casualty, a copy of that finding and evidence;

...

(1A) The Authority may, in its discretion, direct an officer of the Authority or of a board to conduct a preliminary inquiry into any casualty whether or not the Authority has received such a report as is referred to in paragraph (a) of subsection (1) of this section, and in such a case the inquiry may be conducted, and the Authority may proceed, as nearly as possible as if such a report had been received by the Authority.

...

(2) On receiving a request under paragraph III of subsection (1) of this section the Governor shall, unless he considers that no purpose will be served by further inquiry into the casualty, direct that a court of inquiry constituted under Part XV shall inquire into the casualty.

...

(3) An officer by whom a preliminary inquiry is conducted—

(a) may, at any time, board the vessel in relation to which the inquiry is being conducted and inspect the hull and equipment thereof and any articles or things that he finds on board the vessel or that are in any way connected with the navigation or safety of the vessel; and

(b) has, and may exercise, the powers and authority conferred by Division II of Part II of the *Evidence Act* 1910 on persons holding inquiries on commission.

...

3. CANADA

(a) CANADA SHIPPING ACT 1934, AS AMENDED¹

...

Powers as to vessels wrecked, etc.

500. (1) When any British or foreign vessel is wrecked, stranded or in distress at any place within Canadian waters or on or near the coasts thereof, the receiver

¹ 1952 R.S.C. Chap. 29 as amended by: 1956 S.C. Chap. 34; 1960-1961 S.C. Chap. 32; 1964 S.C. Chap. 22 and 1964 S.C. Chap. 39. Except the provisions reproduced here, and *supra* under Chapter 1, 7 (a), the text of the Act, as reprinted in ST/LÉG/SER.B/6, p. 87, remains unchanged.

shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take 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 Canadian waters or on or near the coasts thereof, 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.

...

Duty of persons finding wreck in Canada. Exception

510. (1) Whenever any person takes possession of a wreck within the limits of Canada, including Canadian waters, 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.

Aircraft

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside Canadian waters 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.

...

Salvage of cargo or wreck

527. When, within Canadian waters or on or near the coasts thereof, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred.”

...

551. A shipping casualty shall be deemed to occur

(a) when any ship is lost, abandoned, stranded or damaged in Canadian waters, or on a voyage to or from a part of Canada;

(b) when any ship causes loss or damage to any other ship in Canadian waters;

(c) when, by reason of any casualty happening to or on board any ship in Canadian waters, 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 evidence is obtainable in Canada as to the circumstances under which she proceeded to sea or was last heard of.

...

Statement where casualty has happened

553. (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or in Canadian waters in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every other such 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 in Canadian waters, 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.

Examination on oath of persons belonging to ship or other witnesses, in case of British or foreign ship

554. (1) Where any ship, British or foreign, is or has been in distress in Canadian waters 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)

(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.

...

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 1 to the Order of His Majesty in Council dated 13th October 1910, continue to apply to waters within Canadian jurisdiction as heretofore 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

(a) for the government and regulation of any part or parts of the inland, minor or other waters of Canada,

(b) for the licensing of operators of vessels on such waters, and

(c) for the enforcement of any such order or regulation.

(4a) Without limiting the generality of subsection (4), any order or regulation made by the Governor in Council under that subsection may provide for the prohibiting or limiting of navigation on any part of the waters of Canada, in the interests of public safety or of promoting or insuring the effective regulation of such waters in the public interest or for the protection or convenience of the public, of vessels not exceeding fifteen tons gross tonnage.

(5) Any rule, regulation or order made under this section may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof.

...

647(1) Every owner, master and person having the conduct of a vessel or raft 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 form of 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.

...

693. *Power to detain 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 Canadian waters, 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.

Detention of ship

(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 Canadian waters, 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.

...

710. *Power to arrest ship or claim for work done in stowing cargo, etc.*

(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 Canadian waters, 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.

Where complaint made that ship will have departed, etc.

(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 Canadian waters, 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.

(b) CUSTOMS ACT, AS AMENDED¹

(c) FOREIGN ENLISTMENT ACT 1937²

4. COLOMBIA

CUSTOMS LAW NO. 79 OF 19 JUNE 1931, article 363³

5. DENMARK

(a) PILOTAGE ACT⁴ NO. 131 OF 17 APRIL 1916, AS SUBSEQUENTLY AMENDED, AS PUBLISHED IN STATUTE NOTICE NO. 244 OF 29 JULY 1964*

...

(b) ACT NO. 203 OF 31 MAY 1963 ON THE PROTECTION OF HISTORICAL WRECK, ETC.**

Article 1. Objects, including wreck, which are situated on the sea-bed in Danish waters and which may be presumed to have been lost at some time more than 150 years ago shall belong to the State unless some person establishes his right of ownership thereto.

Article 2. The national Custodian of Antiquities shall make provision for such measures as in his opinion are necessary for securing and recovering from the sea objects which, by virtue of article 1, belong to the State. Such objects may not be recovered from the sea or be damaged without the authorization of the National Custodian of Antiquities, even in the event of an alteration of the sea-bed conditions at or in the vicinity of the place where the objects are situated.

Article 3. Articles recovered from the sea by accident which, by virtue of article 1, belong to the State shall be surrendered to the National Custodian of Antiquities. The person who has recovered such objects from the sea shall not be entitled to salvage, but the National Custodian of Antiquities may pay him compensation.

¹ 1952, R.S.C. Vol. 2, Chap. 58 as amended by 1964 S.C. Chap. 22. Except section 2(1)(b) —see *supra* Chapter 1, 7 (b) the text, as reproduced in ST/LEG/SER.B/6, pp. 95-98 remains unchanged.

² 1952 R.S.C. Chap. 124. Except the title of the Act, the text as reproduced in ST/LEG/SER.B/6, pp. 99-102 remains unchanged.

³ *Supra* Chapter 1, 8(d).

⁴ *Forvarsministeriets lovbekendtgørelse* No. 244 of 29 July 1964. The texts of articles 11, 12 and 24 reproduced in ST/LEG/SER.B/6, p. 119 remain unchanged.

Article 4. Notwithstanding the provisions of article 1, the following provisions of the law concerning wreck, in so far as they relate to the recovery of wrck or other objects from the sea-bed, shall apply:

- (1) the provisions concerning what persons are entitled to effect recovery from the sea, including the provisions on obtaining prior authorization;
- (2) the provisions concerning the reporting of objects recovered from the sea;
- (3) the provisions concerning the summoning of the owner of objects recovered from the sea.

Article 5. An offence against the provision of article 2, second sentence, and failure to comply with the obligation, prescribed by article 3, of surrendering the objects referred to in article 3 to the National Custodian of Antiquities shall be punished by a fine.

Article 6. This Act shall not apply to the Faroe Islands.

(c) ACT NO. 118 OF 28 MARCH 1951 CONCERNING MEASURES FOR THE SAFETY OF NAVIGATION, AS AMENDED BY ACT NO. 185 OF 26 MAY 1965**

Article 5¹

1. 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 the Minister of Trade. In this connexion, the Minister shall also determine the extent to which the relevant provisions shall be applicable to foreign ships in the Danish territorial sea.

2. It shall be unlawful for the distress signals thus prescribed to be used for any purpose other than to report distress at sea. The same shall apply to signals which can be confused with distress signals. Flag, light and sound-signals which may otherwise be prescribed by virtue of this Act shall not be used for any purpose other than that prescribed.

3. The master of a ship which has given distress signals shall cancel the distress call as soon as possible after help is no longer needed. The cancellation shall, so far as possible, be disseminated to the same extent as was the distress call.

4. 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.

(d) ORDER NO. 437 OF 21 DECEMBER 1966 ON THE DELIMITATION OF THE TERRITORIAL SEA, article 3²

¹ The text of article 5, prior to amendment, is reproduced in ST/LEG/SER.B/6, p. 120.

² *Supra* Chapter I, 12(b).

6. FRANCE

INSTRUCTION DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER, articles 1-3¹

7. IRAN

IRANIAN MARITIME CODE² OF 1964

CHAPTER I.³ NATIONALITY AND REGISTRATION OF SHIPS
Section I. Nationality

...

Article 6. Coastal Shipping

Shipping between Iranian ports and islands and for commercial purposes (cabotage) shall be carried out exclusively by Iranian vessels, except in special cases where, upon the proposal of the Ports and Shipping Organization, there is a special authorisation from the Council of Ministers.

8. IVORY COAST

DÉCRET N° 67-334 DU 1^{er} AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 4⁴

¹ Voir *supra* Chapter I, 15 (b).

² Approved in Mordad 1343 (23 July to 23 August 1964). English text provided by the Permanent Mission of Iran to the United Nations. Articles 20, 94, 120, 188 and 190 of the Code replaced article 52 of the Regulations for the Consulates, quoted in ST/LEG/SER.B/2, p. 65.

³ See *infra* DIVISION III, 12.

⁴ *Supra* Chapter I, 24.

9. KUWAIT

(a) KUWAIT MARITIME DECREE NO. 3 OF 1959

...

PART III. SAFETY

...

Prevention of Collisions

60. (1) The International Collision Regulations shall apply to all Kuwaiti registered ships, and the owner or Master of such a ship shall comply with the requirements of those regulations.

(2) If any damage to person or property arises from the non-observance by any ship of any of the International Collision Regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulations necessary.

Application

61. Nothing in the preceding sections of this part of this Decree, except section 60, shall apply to any ship of war, troop-ship, pleasure yacht, fishing vessel or wooden ship of primitive build, or to any ship of less than 500 tons gross tonnage other than a passenger ship, or to any ship not propelled by mechanical means.

...

PART V. MISCELLANEOUS

...

Power to enforce detention of ships

75. (1) Where under this Decree there is a power to detain a ship, that power may be exercised by the Registrar or any Surveyor of ships or Port Officer.

(2) If any ship after detention proceeds to sea before she is released by the competent authority, the Master of the ship shall be guilty of an offence.

(3) When a ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any person authorized under this Decree to detain or inspect the ship, the owner and Master of the ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea and returned to the port from which he was taken, including his remuneration for the period of his absence from that port, and shall also be guilty of an offence under this subsection.

(b) GENERAL PORT RULES, ENACTED AS AN AMIRI DECREE NO. 7 OF 1959¹*Section I**Regulations concerning the Port of Kuwait**General*

1. Nothing in these Regulations shall be construed as over-riding:—
 - (i) The International Regulations for Preventing Collisions at Sea.
 - (ii) The International Quarantine Regulations.
 - (iii) The Rules of Good Seamanship.
2. Nothing herein contained shall be construed as relieving the Master of any ship from his responsibility for the ship under his command.
3. These Regulations are not intended to apply to country craft (as defined in Section II herein), except in so far as navigation within the Port and taking up a berth in it are concerned, and the discharge and loading of Dangerous Cargo.

*Section II**Definitions*

...

9. "*The Port Limits*": The seaward limits of the Port comprise all waters in the area confined by a line drawn in direction 000 from RAS AJUZA (Lat. 29° 23' 27" North; Long. 48° 00' 24" East) to the parallel of Lat. 29° 30' 00" North, thence in a direction 230° to RAS ASHAIRIJ (Lat. 29° 23' 15" North; Long. 47° 51' 00" East).

...

23. "*Dangerous Cargo*" means and includes all substances described in the schedule attached to these regulations and such other substances as may be added thereto by the President of the Port from time to time.

...

*Section III**Regulations concerning the movement of ships within the limits of the port*

25. Ships may enter the Port limits and taken up an anchor within the anchorage North of Ras Ajuza without a pilot.

...

41. It is forbidden to jettison ballast, other than clean water, or pump out bilges or oil of any description within the limits of the Port.

...

¹ Issued on 16 July 1959.

*Section V**Regulations concerning the working of cargo within the limits of the port*

...

69. The Master of any Vessel arriving with explosives, inflammable or combustible goods, or other dangerous cargo on board shall give immediate notice thereof to the Port Director, stating the nature of cargo, its quantity, place of stowage and intended disposal. Such Vessels shall carry during the day a square red flag at the triatic stay and at night a red light in the same place and shall only dispose of such cargo as and when directed by the Port.

(a) No dangerous cargo shall be shipped from or landed at any quay except as the Port shall from time to time direct.

(b) Whilst the Vessel is loading or discharging dangerous cargo no other cargo or stores shall be loaded or discharged or passengers embarked or disembarked.

(c) No damaged or leaking packages containing any of the goods described in the schedule of dangerous cargo shall be landed on-to any jetty or conveyance before it has been inspected on board the carrying Vessel by the Port and passed as fit for handling.

(d) The Port Director shall have the right to prohibit the unloading of any package he may consider to be detrimental to the safe working of the Port.

APPENDIX I

Schedule of Dangerous Cargo

1. Substances which become dangerous by interaction with water.
2. Substances which become dangerous by interaction with air.
3. Substances having flashpoints up to 150 degrees fahrenheit close test.
4. Corrosive substances.
5. Substances which give off poisonous gas or vapour
6. Other poisonous substances excluding pharmaceuticals.
7. Strong supporters of combustion.
8. Substances liable to spontaneous combustion.
9. Readily combustible solids.
10. Such goods not classified in 1-9 above as are listed in Board of Trade Appendix (1943)—CARRIAGE OF DANGEROUS GOODS AND EXPLOSIVES IN SHIPS (S.O. Code No. 51 - 202) and supplements thereto.

10. MADAGASCAR

(a) LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME

ANNEX II.—CODE MARITIME

PREMIÈRE PARTIE. — ADMINISTRATION DE LA MARINE MARCHANDE

Livre I. — La navigation maritime

...

Chapitre IV. — Navigation réservée

1.4.01. — La navigation de cabotage, de bornage et de remorquage entre les ports de Madagascar peut être réservée par arrêté aux navires malgaches et sous réserve de réciprocité aux navires des autres États de la Communauté ou à certaines catégories d'entre eux.

...

Livre II. — Le navire

...

Chapitre VII. — Des épaves maritimes

2.7.01. — Constituent des épaves maritimes soumises à l'application du présent code :

1^o Les navires de mer et les aéronefs échoués en état d'innavigabilité sur une partie du rivage dépendant du domaine public maritime, abandonnés sans esprit de retour par leurs équipages et sans que les propriétaires en assurent réellement la garde;

2^o Les navires de mer et aéronefs submergés dans les eaux territoriales malgaches;

3^o Les cargaisons desdits bâtiments et aéronefs;

4^o Les coques ou parties de coques des navires de mer et les fragments d'aéronefs trouvés flottant en mer ou amenés par des sauveteurs;

5^o Les marchandises ou objets provenant de jet, bris ou naufrages tombés ou abandonnés à la mer, trouvés sur les flots ou sur une partie du domaine public maritime.

2.7.02. — L'autorité administrative maritime prête, dans toute la mesure des moyens dont elle dispose, aide et assistance pour le sauvetage des vies humaines en danger, à tout bâtiment ou aéronef naufragé dont l'équipage est encore présent à bord. Elle prend toutes mesures utiles au sauvetage et à la conservation de l'épave.

...

(b) ARRÊTÉ N^o 2013 DU 25 NOVEMBRE 1960 FIXANT LES LIMITES DES DIFFÉRENTES ZONES DE NAVIGATION¹ MODIFIÉ PAR L'ARRÊTÉ N^o 2034 DU 29 JUILLET 1964²

TITRE I. — NAVIGATION DE COMMERCE

Article 1^{er}. — La navigation de commerce à Madagascar est subdivisée en :

1^o Navigation portuaire;

2^o Navigation au bornage;

3^o Navigation au cabotage;

4^o Navigation au long cours.

¹ *Journal officiel* du 3 décembre 1960, p. 2525.

² *Journal officiel* du 9 août 1964, p. 1561.

Article 2. — Est réputée navigation portuaire celle qui est pratiquée exclusivement dans les ports et rades attenantes, par des navires de moins de 100 tonneaux de jauge brute.

Article 3. — Est réputée navigation au bornage, la navigation s'exerçant le long des côtes de Madagascar sans s'en éloigner à plus de 30 milles, par des navires de moins de 250 tonneaux de jauge brute.

Article 4. modifié. — Est réputée navigation au cabotage celle exercée dans les limites ci-après :

- Au nord : l'Équateur ;
- Au sud : le parallèle de 36° de latitude sud ;
- A l'ouest : le méridien de 17° 30' est de Greenwich ;
- A l'est : le méridien de 65° est de Greenwich.

Article 5. — Est réputée long cours, la navigation effectuée en dehors des limites de la navigation au cabotage fixées à l'article précédent.

(c) ARRÊTÉ N° 647 DU 4 MARS 1963. CONDITIONS DE PASSAGE ET MOUILLAGE DES NAVIRES DE PÊCHE ÉTRANGERS DANS LES EAUX TERRITORIALES¹

Article 1^{er}. — On entend par navire de pêche, tout navire utilisé pour la capture des poissons, baleines, phoques, morses et autres ressources vivantes en mer.

Article 2. — Le passage des navires de pêche étrangers dans la mer territoriale est considéré comme inoffensif sous réserve pour lesdits navires de respecter les dispositions suivantes :

- a) Leur nom et celui de leur port d'attache doivent être écrits d'une manière apparente, en caractères romains ;
- b) Pendant toute la durée du séjour dans la mer territoriale, le pavillon national doit être arboré ;
- c) De nuit, le nom et le pavillon national doivent être éclairés en permanence ;
- d) Tout le matériel de pêche doit être arrimé aux postes de mer ; les lignes, filets, casiers et autres engins doivent être dégrées et rangés en soute ; les panneaux des cales à poisson doivent être hermétiquement clos ;
- e) Des documents officiels, délivrés par les autorités compétentes de leur pays, attestant leur nationalité, justifiant leurs marques et indiquant les noms de leur propriétaire et de leur Capitaine ou Patron, doivent être exhibés à la première requisition de l'un quelconque des agents désignés à l'article 7.7.11 du Code de la marine marchande.

Article 3. — Les navires de pêche étrangers usant du droit de passage inoffensif dans la mer territoriale doivent faire route en droiture sur leur destination finale.

¹ *Journal officiel* du 9 mars 1963, p. 664.

Article 4. — Sauf dans les cas de relâche forcée ou de détresse, l'arrêt et le mouillage sont interdits dans la mer territoriale aux navires de pêche étrangers, en dehors de: Diégo – Hell-ville – Majunga – Tuléar – Fort-Dauphin et Tamatave.

Des autorisations temporaires pourront sur demande justifiée être accordées pour permettre le mouillage en d'autres points de la mer territoriale.

...

11. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966), second schedule, section 14¹

12. MAURITANIA

Loi² n° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE³

...

LIVRE PREMIER. — LA NAVIGATION MARITIME

...

Chapitre III. — Navigation réservée

Article premier. — La République islamique de Mauritanie peut réserver par décret certains genres de navigation sur ses côtes : soit aux seuls navires mauritaniens, soit également, et sous réserve de réciprocité, aux navires d'autres États ou à certaines catégories d'entre eux.

LIVRE VI. — LE PILOTAGE

Chapitre II. — Organisation générale du pilotage

Article premier. — Le pilotage, quand il existe, est obligatoire pour tous les navires mauritaniens ou étrangers. Certaines catégories de navires peuvent cependant en être dispensées.

¹ *Infra* DIVISION II. 27 (b).

² *Journal officiel* du 21 février 1962, p. 116.

³ Par la Loi n° 63.148 du 19 juillet 1963 (*Journal officiel* du 7 août 1963, p. 261) et par la Loi n° 67.023 du 21 janvier 1967.

LIVRE VII. — LE DOMAINE PUBLIC MARITIME ET LES EAUX TERRITORIALES

...

Eaux territoriales

...

Chapitre IV. — Délimitation

...

Article 3. — Les navires étrangers peuvent circuler ou stationner librement dans les eaux territoriales sous réserve de se conformer aux règlements en vigueur.

...

13. NEW ZEALAND

(a) HARBOURS ACT, 1950 (No. 34 of 1950; 13 October 1950) AS AMENDED¹

Section 2. Interpretation

“(2)² Notwithstanding anything in the definition of the term ‘harbour’ or ‘port’ in subsection (1) of this section or in any Warrant or Order in Council issued or made pursuant to section 3 of this Act or the corresponding provisions of any former Act or in any other enactment relating to any specified Harbour Board by or pursuant to which the limits of any harbour or port have been defined, the limits of any harbour or port so defined before the commencement of this subsection shall not extend beyond the internal waters of New Zealand as defined in section 4 of the Territorial Sea and Fishing Zone Act 1965:

“Provided that this Act and all regulations, orders, Warrants, and bylaws thereunder (whether made or issued before or after the commencement of this subsection) shall have effect in or with respect to the areas in or with respect to which they had effect immediately before the commencement of this subsection or, as the case may be, in or with respect to which they would have had effect if this subsection had not been enacted.”

*Section 118.*³ *Missionary ships and pleasure yachts exempt, and provisions as to fishing vessels, etc.*

(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

¹ Most recently by the Harbours Amendment Act 1965 (No. 6 of 1965; 3 September 1965). Except the provisions reproduced here, the text cited in ST/LEG/SER.B/6, pp. 211-214 remains in force.

² Sub-section (2) was added by the Territorial Sea and Fishing Zone Act 1965 (No. 11 of 1965; 10 September 1965). For the Act, see *supra* Chapter 1, 31 (a).

³ As amended by the Harbours Amendment Act 1965 (No. 6 of 1965; 3 September 1965) section 6.

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 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: ...

(4) Vessels employed exclusively in commercial fishing or oyster dredging or both shall be exempt from all harbour dues, except berthage, storage, dock, slip, or other accommodation actually provided and 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.

(b) SHIPPING AND SEAMEN ACT¹ 1952 (No. 49 of 1952; 23 October 1952)
[Reprinted as of 1 June 1966, with amendments incorporated]

...

PART VIII. SHIPPING INQUIRIES AND COURTS

Inquiries as to Shipping Casualties

Section 323. Cases where shipping casualty deemed to occur

...

(f)² When any loss of life ensues by reason of any accident or mishap occurring to any ship or by the use or management of any ship on or near the coasts of New Zealand:

(g)² When in any place any such accident or mishap occurs to any New Zealand ship or by the use or management of any New Zealand ship.

¹ Except for the provisions reproduced here, the text cited in ST/LEG/SER.B/6, pp. 203-210 remains in force.

² Paragraphs (f) and (g) were added by section 61 of the Shipping and Seamen Amendment Act 1959.

PART IX.¹ WRECK AND SALVAGE OF SHIPS AND AIRCRAFT

...

PART XV.² SEAMEN OF FOREIGN SHIPS

...

14. NIGERIA

MERCHANT SHIPPING ACT, 1962 (No. 30 of 1962)³

PART I

Chapter 1. Preliminary

...

4. *Power to apply Act to ships and aircraft of Commonwealth of foreign countries, and to exempt such ships*

(1) Where the Minister is satisfied that any provisions of the law of any Commonwealth country other than Nigeria, or of any foreign country, which apply with respect to ships registered in or belonging to that country while they are at any port in Nigeria, are substantially the same as, or equally effective with, any of the provisions of this Act, the Minister may, by Order, direct that any such provisions of this Act shall not apply with respect to ships registered in or belonging to that country while they are at any port in Nigeria, if it is proved that those ships comply with the corresponding provisions of the law of the country in which they are registered or to which they belong:

Provided that no such Order shall be made with respect to ships registered in or belonging to any foreign country, unless the Minister is satisfied that the Government of that country has provided or has undertaken to provide for the exemption of Nigerian ships, while they are at any port in that country, from the corresponding provisions of the law of that country.

(2) Where the Minister is satisfied that the Government of any Commonwealth country other than Nigeria or of any foreign country desires that any of the

¹ The text reproduced in ST/LEG/SER.B/6, pp. 205-208 remains unchanged except sections 343 (1), 347 (1), 349 (1), 350 (3), 353 (1), 354 (1), (2), (3) paras. (a) and (b), and section 357 para. (a) where after the words "any tidal water within the limits of New Zealand" the words "or in any river or lake or other inland water" were added. The same words were inserted in section 354 (1) after the words "any wreck found within those limits". The above were inserted by section 23 of the Shipping and Seamen Amendment Act 1963.

² There is no change in this part as reproduced in ST/LEG/SER.B/6, pp. 209-210 except section 447 (2) where the words "or being a British subject, secretes himself on any foreign ship at a port in any other country" were inserted after the words "who secretes himself on any foreign ship at a port in New Zealand". The words were inserted by section 7 (2) of the Shipping and Seamen Amendment Act 1957.

³ Supplement to *Official Gazette* Extraordinary No. 89, vol. 49, 12 November, 1962—Part A.

provisions of this Act which do not apply to ships or aircraft registered in or belonging to that country, or to any class or description of those ships or aircraft, should so apply either generally or in specified circumstances, and no special provision for that application is made elsewhere in this Act, the Minister may, by Order, declare that such of the provisions of this Act as are specified in the Order shall, subject to any limitation set out in the Order, apply to ships or aircraft registered in or belonging to that country, or, as the case may be, to any class or description of those ships or aircraft, and to the owners of those ships or aircraft and any other persons for the time being responsible for their navigation and management, and to the masters or persons in command and the crews and other persons in the service of those ships or aircraft, when not locally within the jurisdiction of the country in which they are registered or to which they belong, in the same manner as if those ships were Nigerian ships or, as the case may be, as if those aircraft were aircraft registered in or belonging to Nigeria.

...

PART VI. SAFETY

Chapter 39. Prevention of Collisions

230. *Collision rules*

(1) The Minister may make rules (in this Act called "collision rules") with respect to ships, and to aircraft on the surface of the water, for the prevention of collisions; and those rules shall contain such requirements as appear to the Minister 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 rules, together with the provisions of this Part relating thereto, or otherwise relating to collisions, shall apply—

(a) to all ships and aircraft which are locally within the jurisdiction of Nigeria, whether or not they are Commonwealth ships or aircraft registered in or belonging to any Commonwealth country; and

(b) to all Commonwealth ships and to all aircraft which are registered in or belong to any Commonwealth country, whether or not they are locally within the jurisdiction of Nigeria or of any other Commonwealth country:

...

233. *Duties of master in case of collision*

(1) In every case of collision between two ships, the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew and passengers, if any, shall—

(a) render to the other ship, her master, crew and passengers, if any, such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no need of further assistance; and

(b) give to the master or person in charge of the other ship the name of his own ship and of the port at which she is registered or to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2) If the master or person in charge of a ship fails, without reasonable cause, to comply with this section, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

(3) The failure of the master or person in charge of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by his wrongful act, neglect or default.

...

Chapter 40. General Duty to Render Assistance

236. General duty to assist persons in danger at sea

(1) The master or person in charge of a ship shall, so far as he can do so without serious danger to his own ship, her crew and passengers, if any, render assistance to every person, even if that person is a subject of a State at war with Nigeria, who is found at sea in danger of being lost; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding two years, or to both.

(2) Compliance by the master or person in charge of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Chapter 41. Signals of Distress

...

238. Obligation to assist vessels in distress, etc.

(1) The master of a Nigerian ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, shall proceed with all speed to the assistance of the persons in distress, informing them if possible, that he is doing so, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

(2) Where the master of any ship in distress has requisitioned any Nigerian ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) as soon as he is informed of the requisition of one or more ships, other than his own, and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1), and, if his ship has been requisitioned, from the obligation imposed by subsection (2), if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(5) If a master fails to comply with the provisions of subsections (1) to (4) inclusive, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years or to both.

(6) If the master of a Nigerian ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel, or an aircraft, or any person is in distress at sea, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book of his reasons for not going to the assistance of those persons; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

(7) The master of every Nigerian ship shall enter or cause to be entered in the official log book every signal of distress or message that a ship or other vessel, or an aircraft or person, is in distress at sea; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

(8) Nothing in this section shall affect the provisions of section 236; and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

...

PART VIII. WRECK AND SALVAGE

...

Chapter 56. Vessels in Distress

276. Duty of Receiver where vessel in distress

(1) Where a Commonwealth or foreign vessel is wrecked, stranded or in distress at any place on or near the coasts of Nigeria or any tidal water within Nigeria, the Receiver of Wreck shall, upon being made acquainted with the circumstances, forthwith proceed thereto, 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 and of the cargo and apparel of the vessel:

Provided that the Receiver of Wreck 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.

(2) If any person wilfully disobeys any lawful directions of the Receiver of Wreck, such person shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

...

Chapter 59. Removal of Wrecks

289. Removal of wreck by Receiver

(1) Subject to the provisions of any Act or other written law relating to ports, where any vessel is sunk, stranded or abandoned in any port, navigable river or tidal water within Nigeria, or in or near any approach to any such port, navigable river or tidal water, in such a manner as, in the opinion of the Receiver of Wreck, to be, or to be likely to become, an obstruction or danger to navigation, the Receiver of Wreck—

(a) may take possession of, and raise, remove or destroy, the whole or any part of the vessel;

(b) may light or buoy any such vessel, or part of any such vessel, until the raising, removal or destruction thereof; and

(c) subject to the provisions of subsections (2) and (3), may sell, in such manner as he thinks fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him under this section in relation to such vessel, or part of a vessel, or other property, and shall hold the surplus, if any, of those proceeds in deposit for payment to the person thereafter establishing his right thereto:

Provided that the deposit shall be paid into the Consolidated Revenue Fund unless such person makes his claim within three years of the sale.

(2) A sale shall not, except in the case of property which is of a perishable 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 in the *Gazette*.

(3) 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 Receiver of Wreck of the fair market value thereof, to be ascertained by agreement between the Receiver of Wreck and the owner, or, failing such agreement, by some person to be named for the purpose by the Minister; and the sum paid to the Receiver of Wreck as the value of any property under this subsection shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(4) If the proceeds of sale of any such property as is mentioned in this section is less than the costs incurred by the Receiver of Wreck under this section, he may recover such difference from the owner of the vessel by civil action.

...

PART XII. LEGAL PROCEEDINGS

Chapter 85. Jurisdiction

397. *Jurisdiction over ships lying off the coasts*

Where any area within which any court has jurisdiction under this Act for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel or other navigable water, such court shall have jurisdiction of the purposes of this Act over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel 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.

398. *Jurisdiction in case of offences on ships of other Commonwealth countries.*

(1) Where the Governor-General is satisfied that the Government of any Commonwealth country other than Nigeria 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 Nigeria, the Governor-General may, by Order, 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—

(a) to try for any offence committed outside Nigeria any master, seaman or apprentice belonging to, or connected with, any foreign-going ship registered in or belonging to any Commonwealth country other than Nigeria;

(b) to try any owner or any other person for any offence committed outside Nigeria on board, or in relation to, any such ship as aforesaid; or

(c) to adjudge the forfeiture of any such ship as aforesaid, or any share therein, if that liability to forfeiture was incurred outside Nigeria,—

unless it has been declared, by Order 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.

(3) For the purposes of determining liability for infringement to the collision rules, this section shall apply in the case of aircraft 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 aircraft, 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 under this section shall be deemed to refer to aircraft unless that Order so provides, or may be implied under this Act.

(4) Nothing in this Act shall be construed to be in derogation of any rightful jurisdiction of the Government of the Federation under the law of nations; or, subject to the provisions of this section be construed to affect or prejudice any jurisdiction conferred by any other enactment having the force of law in Nigeria.

...

Chapter 96. Exemption of Certain Ships, etc.

423. Exemption of Government of Nigeria ships

Unless otherwise specially provided in this Act or by regulations under this Act, nothing in this Act shall apply—

(a) to ships belonging to the Government of the Federation or of a Region;

(b) to ships of the Royal Nigerian Navy or the Royal Nigerian Naval Reserve;

(c) to ships of the naval forces of any Commonwealth country, other than Nigeria, or ships which belong to the Government of any such Commonwealth country;

15. NORWAY

REGULATIONS FOR PREVENTING COLLISIONS AT SEA (THE INTERNATIONAL RULES OF THE ROAD), AND SPECIAL NAVIGATION RULES FOR NORWEGIAN INLAND WATERS ESTABLISHED BY THE OFFICE OF SHIPPING AND NAVIGATION ON 3 MARCH 1965 (PURSUANT TO ARTICLE 1 OF THE ACT OF 21 AUGUST 1914 RESPECTING MEASURES FOR THE SAFETY OF NAVIGATION, CF. ROYAL DECREE OF 5 APRIL 1963), AS AMENDED BY THE SAME AUTHORITY ON 5 JUNE AND 23 JUNE 1965, AS CONTAINED IN "NOTICES OF THE OFFICE OF SHIPPING AND NAVIGATION" No. 14 FOR 1965, rules 1 and 30¹

16. PORTUGAL

ACT² No. 2130 OF 22 AUGUST 1966

...

Article II

1. The Portuguese State recognizes the right of innocent passage through its territorial sea of ships of all States, subject to the limitations imposed by international law.

2. Passage is not innocent if it is directly or indirectly prejudicial to the peace, order or security of the Portuguese State, particularly in the following cases:

(a) If the ship does not identify itself by name and flag when requested to do so;

(b) If the ship, being a submarine, does not navigate on the surface and shows its flag;

(c) If the ship stops or anchors when the same are not incidental to ordinary navigation or are not rendered necessary by *force majeure*;

(d) If the ship, by reason of its movements, the purposes for which it is intended, the nature of its cargo, the persons on board or any other circumstances, is in violation of the provisions of Portuguese law determining the legal régime of the territorial sea.

17. SENEGAL

LOI PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (N° 61-51 DU 21 JUIN 1961), article 4³

¹ See *Supra* DIVISION III, 19 (b).

² See also *supra* Chapter I, 36 (a).

³ *Supra* Chapter I, 38.

18. SWEDEN

(a) MARITIME LAW OF 12 JUNE 1891, AS AMENDED BY ACT NO. 720¹ OF 19 NOVEMBER 1965 AND ACT NO. 48 OF 24 FEBRUARY 1967^{2**}

...

CHAPTER IV

*The master of the vessel**Article 58*

The master shall ensure, before the commencement of a voyage, that the vessel is seaworthy, is provided with the necessary arrangements for disease and accident prevention, is properly manned, is adequately provisioned and equipped and has been so loaded or ballasted as not to endanger the vessel, lives or cargo.

The master shall, in the course of the voyage, ensure that the vessel is kept in proper condition as aforesaid.

If any defect or shortcoming affecting the proper condition of the vessel cannot be immediately remedied, the master shall forthwith inform the shipowner or the shipowner's agent.

Article 59

The master shall ensure that the vessel is handled and navigated according to the principles of good seamanship.

He shall keep himself informed of the instructions and regulations concerning shipping and navigation which apply to the waters in which the vessel will be sailing and to the places at which it will be calling.

Article 60

The master shall be responsible for ensuring that the prescribed log-books are carried on the vessel. Provisions concerning log-books are contained in chapter 12.

The master shall also ensure that other ship's papers and a copy of the present Act are carried on the vessel in conformity with regulations made by the King or, on the authorization of the King, by the Shipping and Navigation Board.

Article 61

The master shall ensure that loading and unloading are carried out, and the voyage is effected, with reasonable dispatch.

The master shall carefully consider, before engaging in the salvage of vessel or cargo, whether such action is compatible with his obligations towards the persons whose rights and interests he is responsible for safeguarding.

¹ See *infra* DIVISION III, 22 (a).

² *Svensk författningssamling* 1967, No. 48. Came into force on 1 July 1967. See *infra* under (b). By this Act, the articles of the Maritime Law reproduced in ST/LEG/SER.B/2, p. 110 (ST/LEG/SER.B/8, p. 107) were repealed or amended.

Article 62

In a situation where the vessel is in distress, the master shall do his utmost to ensure that the persons on board and the vessel and cargo are saved. He shall, so far as possible, make provision for the safety of the log-books and other ship's papers and arrange for the salvage of the vessel and cargo. So long as there appears to be a reasonable prospect that the vessel can be saved, the master shall not abandon ship unless his life is in serious danger.

If the master encounters any person in distress at sea, he shall render whatever help is possible and necessary in order to rescue such person in so far as this can be done without serious risk to his own vessel or to the persons on board his vessel. If in any other case it comes to the knowledge of the master that someone is in distress at sea, or if he becomes aware of a peril to navigation, he shall, subject to the condition just mentioned, take steps for rescuing the person in distress or averting the peril in conformity with regulations applicable to such cases made by the King.

Provisions concerning the obligation of the master to render assistance in the event of his vessel colliding with another vessel are contained in article 223.

Article 63

If the master is absent or is prevented from being present, any decisions which cannot be postponed shall be taken by the highest ranking of the ship's officers who are present.

If the master leaves the vessel, he shall inform the highest ranking of the ship's officers who are present or, if no ship's officer is present, some other member of the crew and shall give such instructions as are necessary. Whenever the vessel is not moored in port or is not lying at a safe anchorage, the master shall not be allowed to leave the vessel unless it is necessary for him to do so. If some peril is imminent, he may not absent himself from the vessel.

If the master dies or is prevented by sickness or other compelling circumstances from commanding the vessel, or if he abandons his post, the highest ranking of the ship's officers shall act in his stead until a new master is appointed. The shipowner shall in such case be notified without delay.

...

Article 70

The master of a merchant vessel or fishing vessel shall forthwith make a report in writing to the Shipping and Navigation Board in the event that:

1. in connexion with the operation of the vessel, any person has, or may be presumed to have, died or been seriously injured;
2. a person employed on board the vessel has, or may be presumed to have, died or been seriously injured in a case other than as aforesaid;
3. in a case other than as referred to in items 1 and 2 any person from the vessel has, or may be presumed to have, been drowned, or any person has, or may be presumed to have, died on board and been buried at sea;
4. serious poisoning has, or may be presumed to have, occurred on board;
5. the vessel has collided with another vessel or has gone aground;
6. the vessel has been abandoned at sea;

7. in connexion with the operation of the vessel, serious damage has, or may be presumed to have, occurred to the vessel or cargo or to property outside the vessel; or

8. there has been a serious shifting of cargo.

The master of a vessel shall also submit a report to the Shipping and Navigation Board where, by reason of an event which has, or may be presumed to have, occurred in connexion with the operation of the vessel, the Board requests a report, or where a ship's protest is to be submitted as provided in article 302.

...

CHAPTER VIII

Damage resulting from collision of vessels

...

Article 223

In the event of a vessel colliding with another vessel, the master shall render the other vessel and the persons on board such vessel whatever help is necessary and possible in order to rescue them from the dangers resulting from the collision in so far as this can be done without serious risk to his own vessel and the persons on board his vessel. He shall, in addition, supply the master of the other vessel with the name of his own vessel and of its port of registry and the name of the place or port from which and of the place or port to which he is proceeding.

...

CHAPTER XI

Penal provisions

Article 323

If the master of a vessel fails to ensure that the vessel is in proper condition as provided in article 58, first and second paragraphs, he shall be liable to a fine or to imprisonment for a term of not more than six months.

The same penalty shall be incurred by the shipowner if he fails to remedy any such defect or shortcoming affecting the proper condition of the vessel as was or should have been known to him.

If the shipowner fails to do whatever he can to prevent the vessel from going to sea when, owing to a defect or shortcoming affecting the proper condition of the vessel, the intended voyage is apt to entail serious danger for the persons on board, he shall be liable to a fine or to imprisonment for a term of not more than two years.

Article 324

If a person whose functions on a vessel are vitally important for safety at sea fails to exercise good seamanship in connexion with the prevention of an accident at sea, he shall be liable to a fine or to imprisonment for a term of not more than six months.

In the case of a serious offence, he shall be liable to imprisonment for a term of not more than two years.

Article 325

If a person whose functions on a vessel are vitally important for safety at sea is under the influence of alcoholic liquor or some other intoxicant to such a degree that he must be presumed incapable of performing his duties in a proper manner, he shall be liable to a fine or to imprisonment for a term of not more than one year.

Article 326

If the master fails to perform his duties and abandons ship, he shall be liable to a fine or to imprisonment for a term of not more than one year.

If the master neglects the duties incumbent upon him by virtue of article 62, first paragraph, or the duties otherwise incumbent upon him as a good seaman when the vessel is in danger, he shall be liable to a fine or to imprisonment for a term of not more than two years.

Article 327

If the master neglects the duties incumbent upon him by virtue of article 62, second paragraph, where a person is in distress at sea or where a peril to navigation exists, or the duties incumbent upon him by virtue of article 223 where his vessel has collided with another vessel, he shall be liable to a fine or to imprisonment for a term of not more than two years.

Article 328

The master shall be liable to a fine if:

1. he fails to inform the shipowner, as provided in article 58, third paragraph, of any defect or shortcoming affecting the proper condition of the vessel;
2. he fails to ensure, as provided in article 60, second paragraph, that the ship's papers and a copy of the present Act are carried on the vessel;
3. he fails to make a report as provided in article 70 or he wilfully or through negligence supplies incorrect or misleading information in such report;
4. he refuses, in a case as provided in article 317, to produce the vessel's certificate of registry to the surveyor; or
5. without valid reason, he refuses, in a case as referred to in article 346, to take on board the master of a vessel or a seaman, the ashes of such a person or the effects left behind by such a person.

The same penalty shall be incurred by a master or shipowner who fails to give notice of a ship's protest as provided in article 306 or who wilfully or through negligence causes a ship's protest to be deferred without the conditions provided for in article 304 being present.

Article 329

Any person who fails to comply with the obligation incumbent upon him under this Act in regard to the keeping of a log-book or the rough draft of a log-book or who wilfully or through negligence supplies incorrect or misleading information in such log-book or rough draft shall be liable to a fine.

The same penalty shall be incurred by:

1. a master or shipowner who, without proper cause, refuses to allow a person to consult a log-book, rough draft of a log-book or a mechanically recorded notation concerning the navigation of the vessel or the operation of its machinery;
2. a shipowner who fails to comply with the obligation to preserve a document as aforesaid.

Article 330

Where a person has been found guilty of an offence referred to in articles 323, 324, 325, 326 or 327 and has thereby shown himself to be unfit for the performance on board a vessel of duties which are subject to specific standards of performance, the court shall declare him to be unqualified to perform such duties for a specified period or for all time.

Where the court makes a declaration as referred to in the first paragraph, it shall forthwith inform the Shipping and Navigation Board thereof. In the case of a radio operator, the Telecommunication Board shall also be informed.

Article 331

For the purposes of this chapter, the term "master" includes any person acting in the master's stead, and the term "shipowner" includes any person having dealings with the vessel in the shipowner's stead.

Article 332

Where two or more persons have taken part in the commission of an offence referred to in articles 323, 324, 325, 326 or 327, the provisions of chapter 23 of the Criminal Code shall apply.

No penalty shall be imposed under this Act where an offence is subject to a more severe penalty under the Criminal Code.

- (b) ROYAL ORDER¹ NO. 150 OF 18 MAY 1962 CONCERNING NAVIGATION, AS AMENDED BY ROYAL NOTICE² NO. 454 OF 15 JUNE 1965 AND BY ROYAL NOTICE³ NO. 114 OF 21 APRIL 1967**

Introductory provisions

Article 1

[Article 1 was repealed by Notice No. 114 of 21 April 1967.]

Article 2

The revised Regulations for Preventing Collisions at Sea (1960 International Rules of the Road), which were adopted at the International Conference on Safety at

¹ *Svensk författningssamling* 1962, No. 150, p. 331.

² *Ibid.*, 1965, No. 454, p. 803.

³ *Ibid.*, 1967, No. 114, p. 297.

Sea, held in London in 1960, shall, save as otherwise provided in article 3, apply to vessels and seaplanes in the territorial waters of Sweden. They shall also apply to Swedish vessels and seaplanes outside the territorial waters of Sweden in so far as this is compatible with such laws of foreign States as, by virtue of agreements or otherwise, are applicable.

...

(c) ACT¹ No. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS**

CHAPTER I

General provisions

Article 1

Save as otherwise specified or provided therein, this Act shall apply to vessels used for navigation in Swedish waters and to Swedish vessels used for navigation outside Swedish waters.

The provisions of the Act shall apply to warships only to the extent prescribed by the King.

Article 2

With a view to ensuring the safety of ships, the provisions of the present Act, in conjunction with the provisions of the Merchant Shipping Act, shall be the applicable provisions in so far as concerns seaworthiness, disease and accident-prevention measures, cargo stowage, crew and number of passengers.

Article 3

The supervision of vessels in so far as concerns the matters dealt with in this Act shall be carried out by the Shipping and Navigation Board and, under the superintendence and direction of the Board, by the Shipping Inspection Office of the State. The King may authorize a Swedish consul to exercise such supervision outside Sweden.

In matters relating to the protection of persons employed on board against occupational diseases and industrial accidents, the supervision shall be exercised in co-operation with the Industrial Safety Board.

Supervision in respect of crews shall also be exercised by the marine superintendent.

Article 4

The supervision of a vessel which is owned or used by the Swedish State and is employed for purposes other than the general transport of cargo and passengers shall, save as otherwise determined by the King, be exercised by the authority that is administratively responsible for the vessel.

¹ *Svensk författningssamling* 1965, No. 719.

CHAPTER VII

Supervision to ensure compliance with the Act

Control measures

Article 1

The control measures provided for in this Act shall be as follows:

- (a) regular examination of vessel and equipment (*seaworthiness inspection*);
- (b) regular partial examination of vessels other than passenger vessels and the equipment thereof (*intermediate inspection*);
- (c) regular examination of vessels for the purpose of determining their suitability for passenger transport and the maximum allowable number of passengers (*passenger-vessel inspection*);
- (d) regular examination and measurement of vessels for the purpose of applying load-line marks or of authorizing the retention of such marks (*freeboard inspection*);
- (e) special partial examination of vessels (*special inspection*);
- (f) other examination of conditions on board a vessel (*ordinary inspection*).

Where possible, two or more types of control measures shall be carried out on board a vessel at the same time. A control measure shall, if possible, be carried out in connexion with the examination by a classification society provided for in chapter 1, article 14.

...

Article 16

The purpose of an ordinary inspection shall be to determine whether necessary disease and accident-prevention measures have been taken, whether the vessel is properly loaded or ballasted, whether it is properly manned and whether it is otherwise in proper condition. An ordinary inspection may be less comprehensive than as here provided.

A vessel shall be subject to ordinary inspection whenever the supervisory authority considers such an inspection to be necessary.

Article 17

Supervision of foreign vessels shall be effected by means of an ordinary inspection.

At the request of an authority of a foreign State, the Shipping and Navigation Board may, however, prescribe other control measures in respect of a vessel registered in the foreign State and, if necessary, issue a certificate as provided in this Act or in regulations made thereunder.

*Drawings and control book**Article 18*

Drawings relating to a vessel which is being built or rebuilt for Swedish account and is subject, according to this Act, to control measures other than ordinary

inspection shall be submitted to the Shipping and Navigation Board in ample time before the work to which the drawings relate is begun. In urgent cases or if a vessel is being temporarily altered or is being rebuilt abroad, the drawings may be submitted later.

Drawings for a foreign vessel which has been transferred to Swedish registry and which must consequently undergo a seaworthiness inspection shall be submitted to the Shipping and Navigation Board as soon as possible.

The King, or the Shipping and Navigation Board by authorization of the King, may make such regulations as are necessary with regard to what drawings must be submitted and may modify the obligation to submit drawings in so far as it relates to particular types of vessels or to vessels which are assigned to a class in a classification society provided for in chapter 1, article 14.

CHAPTER VIII

Prohibition against use

Article 1

Where there are reasonable grounds for assuming that a vessel:
 is not seaworthy in so far as the intended voyage is concerned,
 has serious deficiencies as regards protection against disease and accidents,
 is not properly loaded or ballasted,
 is carrying more passengers than the allowable maximum, or
 is not properly manned,

the voyage of the vessel may be prohibited until the situation is corrected.

Where the deficiency relates merely to the operation of equipment or apparatus, the prohibition may instead be directed against the use of the equipment or apparatus until the deficiency is corrected.

The voyage may also be prohibited if the vessel is not made available for control measures or if the vessel, being required under this Act to have a certificate of navigation, a passenger-vessel certificate or a freeboard certificate, lacks such a certificate that is valid.

Article 2

The prohibition of a voyage or of the use of equipment or apparatus as provided in article 1 may be ordered by the Shipping and Navigation Board, the Shipping Inspection Office and such other supervisory authority as may be designated by the King. Outside Sweden, such prohibition may also be ordered by a Swedish consul who has been authorized to exercise supervision over vessels. The prohibition provided for in article 1, second paragraph, may, in addition, be ordered by an authority as referred to in chapter 1, article 5, and, irrespective of whether he has been authorized as aforesaid, by a Swedish consul. A decision by an authority other than the Shipping and Navigation Board shall be immediately submitted to the Board for approval.

The decision shall state the reasons for the prohibition and the measures which must be taken to correct the situation. A copy of the decision shall forthwith be transmitted to the shipowner or the person using the vessel in place of the shipowner,

to the master of the vessel and, if the prohibition relates to a foreign vessel, to the diplomatic or consular representative of the country in which the vessel is registered.

Article 3

The authority in Sweden which has made a decision to prohibit the voyage of a vessel as provided in article 1 shall forthwith give notice of the decision to the police authorities. The said authorities shall take such action as is necessary to prevent the departure of the vessel.

Notice of the decision shall also be given to the customs authorities and the pilotage authorities. Action affecting the voyage of the vessel which must be taken by these authorities shall be suspended while the prohibition is in effect.

If the prohibition relates to a Swedish vessel which is outside the country, the competent Swedish consul may, for the purpose of preventing the voyage, demand that the master of the vessel surrenders to him the vessel's certificate of registry.

Article 4

Where the departure of a vessel is prevented by reason of a prohibition ordered by an authority other than the Shipping and Navigation Board and not approved by the Board, the State shall be obliged to make compensation for any damage arising from such prohibition if it is found that there was no reasonable basis for the prohibition.

Proceedings for compensation in pursuance of the first paragraph shall be instituted in the City Court of Stockholm within two years of the date on which the prohibition was ordered. Proceedings not instituted by the said date shall be barred.

...

(d) ROYAL NOTICE NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, articles I-3, 11-13¹

(e) ROYAL NOTICE² NO. 908 OF 19 NOVEMBER 1965 CONTAINING REGULATIONS FOR THE APPLICATION OF THE ACT CONCERNING THE SAFETY OF SHIPS, AS AMENDED BY NOTICE³ NO. 263 OF 9 JUNE 1967**

...

CHAPTER I

General provisions

...

Article 11

In the case of a cargo vessel engaged in international voyages and equipped with a radio-telegraph installation in accordance with the requirements in force for such an installation by virtue of an international maritime agreement to which

¹ *Infra*, Chapter III, 6 (a).

² *Svensk författningssamling* 1965, No. 908,

³ *Ibid.*, 1967, No. 263.

Sweden is a party, the Shipping and Navigation Board shall issue a *radio-telegraph safety certificate for cargo vessels* showing that the vessel was found to be equipped with such an installation at the time of the seaworthiness inspection or the intermediate inspection. The certificate shall be valid for a period of not more than one year from the date on which the inspection is completed.

In the case of a cargo vessel engaged in international voyages and equipped with a radio-telephone installation in accordance with the requirements in force for such an installation by virtue of an international maritime agreement to which Sweden is a party, the Shipping and Navigation Board shall issue a *radio-telephone safety certificate for cargo vessels* showing that the vessel was found to be equipped with such an installation at the time of the seaworthiness inspection or the intermediate inspection. The certificate shall be valid for a period of not more than one year from the date on which the inspection is completed.

...

- (f) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, articles 4, 6¹
- (g) REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 6¹
- (h) ROYAL NOTICE NO. 263 OF 9 JUNE 1967 TO AMEND ROYAL NOTICE² NO. 908 OF 19 NOVEMBER 1965 CONTAINING REGULATIONS FOR THE APPLICATION OF ACT NO. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS

19. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) REGULATIONS¹ CONCERNING AREAS IN WHICH MOVEMENT IS RESTRICTED AND RULES FOR NAVIGATION THEREIN**

1. It is sometimes necessary temporarily to prohibit vessels from entering certain coastal areas of the USSR or to restrict the free choice of routes in connexion with navigation therein. In such cases, the appropriate restrictions are published in the Notices to Mariners and in sailing directions; in cases of extreme emergency, when the relevant notices cannot be conveyed to mariners in good time, a special "warning service", operated by special ships, lightships or shore stations, will be set up in the areas affected.

Note. A warning service may, however, also be set up in areas in respect of which the restrictions on navigation have been published in good time.

¹ *Supra* DIVISION II. 41 (a) and (b), respectively.

² *Supra* under (d).

³ *Notices to Mariners* of 1 January 1967, issue 1, No. 3. See also ST/LEG/SER.B/6, p. 262.

2. Mariners are accordingly advised that when approaching the coasts of the USSR they should pay strict attention to the signals displayed by the warning service which are 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 published rules and to comply scrupulously with any additional instructions issued by the warning service.

4. The distinguishing markings of ships, lightships and shore stations operating the warning service are as follows:

(a) By day—a triangular blue flag;

(b) By night—three blue lights arranged in a vertical line and displayed 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, in addition to the distinguishing markings described in paragraph 4 of these regulations, display:

(a) By day—three red balls arranged in a vertical line;

(b) By night—three red lights arranged 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, subject to observance of the rules published in the Notices to Mariners and in sailing directions.

If in such an area there are warships present and no special rules have been published for navigation in the area and no special instructions have been issued by the warning service, mariners shall so steer their course as 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 rules that are to be strictly observed in cases of restricted navigation.

(b) NAVIGATION RÉGIME¹ IN THE VILKITSKY AND SHOKALSKY STRAITS**

Owing to the very difficult navigation and ice conditions in the Vilkitsky and Shokalsky Straits (*Proliv Vilkitskogo* and *Proliv Shokalskogo*), icebreaker-pilotage escort shall be compulsory there for all ships in order to ensure safe navigation.

...

(c) REGULATIONS² CONCERNING THE STATE MARITIME PILOTAGE SERVICE OF THE USSR**

1. A pilotage service has been established in accordance with annex V (State maritime pilots) to the Merchant Shipping Code of the USSR in order to ensure the safe conduct of vessels in those areas presenting difficulties of navigation where a special navigation régime has been established.

¹ *Notices to Mariners* of 1 January 1967, issue 1, No. 5.

² *Notices to Mariners* of 1 January 1967, issue 1, No. 19.

2. Navigation areas in which pilotage is compulsory and the points where the pilots are to be taken on and dropped shall be announced in sailing directions, in the Notices to Mariners and in compulsory orders of ports; the same shall apply in respect of navigation areas in which pilotage is not compulsory but may be employed at the request of the ship's master, the procedure for making such requests being specified.

...

9. Losses due to accidents for which pilots are responsible shall be compensated from the navigation safety fund.

10. The navigation safety fund shall be constituted by a deduction in the amount of 10 per cent from pilotage dues.

11. A claim for the compensation of losses due to an accident for which a pilot was responsible may be filed with the judicial and arbitration authorities of the USSR and Union Republics against the harbour-master to whom the pilot is subordinate.

12. State maritime pilots shall ensure the safe navigation of vessels through sea, reef and estuary fairways, in areas with special navigation régimes, on the approaches to USSR seaports, where required, and in the waters of such seaports.

Pilots shall further be responsible for berthing the piloted ships, for bringing them to anchor at the place assigned by the port authorities either inside the port or in the outer roadstead, for manoeuvring the vessel when weighing anchor and for effecting changes of position of vessels in the port.

20. YUGOSLAVIA

LAW¹ OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

Article 2

The terms used in the present Law have the following meanings:

...

(2) A foreign fishing vessel is a vessel of foreign nationality which is equipped for fishing;

...

(4) A foreign warship is a ship of foreign nationality which belongs to the naval forces, bears the external marks distinguishing warships of its nationality, is under the command of a military person and is manned by a military crew;

...

¹ *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent Mission of Yugoslavia to the United Nations.

Article 12

Subject to the provisions of the present Law and other federal regulations, ships of all States shall enjoy the right of innocent passage through the territorial sea.

As innocent passage is considered navigation through the territorial sea without entering internal waters, or for the purpose of proceeding to internal waters, or for the purpose of making for the high seas from internal waters, provided this is not prejudicial to Yugoslavia's good order, peace, or security.

The innocent passage referred to in paragraph 2 of the present article includes also the ship's stopping and anchoring in the territorial sea if this is caused by the needs of regular navigation, force majeure, or distress.

Article 13

During the passage through the territorial sea, a foreign fishing vessel is obliged to keep its fishing gear and equipment in the ship's hold or sealed up. Such a vessel must traverse the territorial sea by the shortest way, with a speed which is not higher than the economic one, without stopping or anchoring, excepted when indispensable because of force majeure.

During its passage through the territorial sea, a foreign fishing vessel must show visible marks indicating that it is a fishing vessel.

The provisions of paragraph 1 of the present article do not apply to a fishing vessel which, by a permit issued on the basis of an international treaty, is authorized to fish in the territorial sea, as long as it stays in the zone where it is permitted to fish.

Article 14

More than three foreign warships of the same nationality may not traverse the Yugoslav territorial sea at the same time.

Article 15

During the passage through the territorial sea, foreign submarines shall navigate on the surface of the sea and show the flag of their State.

Article 16

The provisions of article 8 of the present Law shall apply also to the staying of a foreign warship or a group of warships in the Yugoslav territorial sea.

...

Article 28

With a fine of 100,000 to 1,000,000 dinars or with imprisonment to 30 days shall be punished for a maritime contravention:

...

(3) the master of a foreign submarine which is not a warship, or another responsible person aboard that submarine if the foreign submarine, during the passage through the Yugoslav territorial sea, does not navigate on the surface and does not show the flag of its State (article 15).

...

Article 30

With a fine of 20,000 to 200,000 dinars shall be punished for a maritime contravention:

...

(3) the master of a foreign fishing vessel, or another responsible person aboard that vessel, if that vessel, during its passage through the Yugoslav territorial sea, does not keep its fishing gear and equipment in the ship's hold or sealed up, or if it does not traverse the Yugoslav territorial sea by the shortest way, or if traversing the Yugoslav territorial sea it navigates with a speed less than the economic one, or if it stops or anchors in the Yugoslav territorial sea during its passage and this stopping or anchoring is not provoked by force majeure, or if traversing the Yugoslav territorial sea it shows no visible marks of a fishing vessel (article 13, paragraphs 1 and 2);

...

Chapter III
SECURITY OF THE COASTAL STATES

1. AUSTRALIA

NAVAL FORCES (FIRING AREAS) REGULATIONS¹ NO. 49 OF 1960, AS AMENDED²

...

2.

(1) The Naval Board may—

(a) declare, by notice published in the *Gazette*, an area in or adjacent to Australia to be an area for gunnery, bombing, torpedo, mine-laying, mine-sweeping or similar practice; and

(b) subject to such conditions as it determines, permit the Naval Forces of the Commonwealth to carry out practice accordingly in the area.

(2) In the last preceding sub-regulation, “Australia” includes the Territories of the Commonwealth to which the Naval Defence Act 1910-1965 extends.

2. CANADA

FOREIGN ENLISTMENT ACT, 1952^{3*}

3. ECUADOR

MARITIME POLICE CODE^{4**}

TITLE I

Harbour-Masters' Offices

...

Section II

Maritime Policing: Jurisdiction and Competence

Article 18. The right of maritime policing covers, in addition to the territorial sea, continental shelf and foreshores, the extent of which is specified in the Civil

¹ *Statutory Rules* 1960 No. 49.

² *Statutory Rules* 1962 No. 67 and 1965 No. 97.

³ 1952 R.S.C. Chap. 124. The text reproduced in ST/LEG/SER.B/6, pp. 99-101, except the title of the Act, remained unchanged.

⁴ *Registro Oficial*, No. 1202 of 20 August 1960 (Supplement).

Code, Book II, Title III, to all internal waters of the gulfs, bays, inlets, channels and canals of the Republic, whether in the mainland provinces, the adjacent islands or the Galapagos (Colon) Archipelago.

...

TITLE III

Foreshores and Bay Areas

Section I

General Provisions

Article 80. The territorial sea, continental shelf and foreshores, the extent of which is specified in the Civil Code, Book II, Title III, rivers and large lakes belong to the national domain.

...

TITLE V

Maritime Traffic

Section V

Arrival of Ships

Article 202. Ships of whatever nationality, if not bound for an Ecuadorian port may not come within three miles of the coast, reckoning from the water mark at the lowest tide, nor may they drop anchor at any place which is not an authorized trading port unless forced to take refuge. Ships which violate any of these provisions shall be seized as provided for in article 78, paragraph 1 of the Customs Act.

Forced arrival shall be taken to mean those cases described in article 870 of the Commercial Code and in article 233 of the Regulations implementing the Customs Act.

Article 203. Only ships carrying consignments for Ecuadorian ports on the Gulf of Guayaquil may enter the Gulf north and east of the imaginary line on nautical chart No. 1177 of the Naval Hydrographic Office of the United States of America connecting the following points:

1. The deepest point (Talwec) on the mid-line of the mouth of the Zarumilla River;
2. Latitude 3° 24' 30" S, longitude 80° 22' 00" W;
3. Latitude 2° 12' 00" S, longitude 81° 04' 30" W.

Ships caught violating the provisions of this article shall be seized except in cases of *force majeure*.

...

Section XI

Transportation of Animals

Article 313. No vessel, Ecuadorian or foreign, may engage in maritime or river transport of animals without the authorization of the harbour-master; before

granting authorization, he shall require production of the certificate of the Office of the Inspector General of Naval Machinery and Construction or of a body legally replacing it, stating that, according to the relevant regulations, the ship fulfills the necessary conditions.

...

TITLE VI

Maritime Accidents and Disasters

...

Section III

Collisions

Article 342. The harbour-master shall take cognizance of maritime accidents and disasters in the following cases:

(a) If the accident or disaster has occurred in the waters under his jurisdiction, whatever the nationality of the ship or ships involved; and,

(b) If the Ecuadorian maritime authority was the first to be notified of the maritime accident or disaster, unless it occurred in the territorial waters of another State.

Article 343. Collisions covered by paragraph (a) of the preceding article shall be decided under Ecuadorian law; those covered by paragraph (b) shall be decided in accordance with the law of the State of the flag flown by the ship or ships involved, if of the same nationality, or if of two or more nationalities, in accordance with the regulations recognized as international.

4. NORWAY

ROYAL ORDER¹ IN COUNCIL, OSLO, 9 FEBRUARY AND 6 APRIL 1962 ESTABLISHING NEW RESTRICTED AREAS IN TERRITORIAL WATERS AND ESTABLISHING PRESCRIBED NAVIGATION ROUTES AND USE OF PILOTS BY FOREIGN NON-NAVAL VESSELS IN THESE AREAS

a. By authority vested in the Defence Secrets Act of 18 August 1914 the territorial waters listed in Enclosure I are laid down as Restricted Areas.

b. In these Restricted Areas foreign ships and craft of more than 50 gross tons and which have not been listed naval (hereafter: non-naval) are prohibited to navigate unless they are supervised by a pilot from the State Pilotage Service.

c. Approaches to and navigation leads through the Restricted Areas for foreign non-naval ships and craft are laid down in Enclosure II.

Prior to entering a Restricted Area foreign non-naval ships are required to embark a pilot from the Pilotage Service in the specified positions listed in Enclosure III,

¹ The English translation was provided by the Permanent Mission of Norway to the United Nations.

or, should weather or sea conditions render such embarkation impossible, to be guided from a pilot vessel until embarkation is possible. Leaving a Restricted Area the foreign ship is required to act similarly.

d. Compliance with the above stated regulations, requiring embarked pilot and navigation in specified navigation leads in Restricted Areas, is excused a foreign non-naval ship clearly imperilled in heavy weather. The master of this ship is, however, required without delay and in the speediest way possible to report his arrival in Norwegian territorial waters to Norwegian port or police authorities.

e. The Ministry of Defence will regulate exemptions from regulations listed under letters b and c above for the ferry services between Scandinavian countries. Should specific reasons so warrant, the Ministry of Defence may, however, make exemptions from these regulations.

f. The Restricted Areas laid down by the Commander-in-Chief, Royal Norwegian Navy, prior to this Order are hereby superseded. This cancellation does not affect the prohibited anchorage for ships off the Royal Norwegian Air Force Station, Andøya, resolved by Royal Order in Council 20 January 1961.

g. The Ministry of Defence will decide when the regulations listed under letters b — e are to be made effective.

Restricted Areas in Norwegian Coastal Waters

Outer Oslofjord—the Langesund fjord

1. All waters north of a line through

Norwegian border position	58° 58',6 N	11° 4',3 E
Torbjørnskjær lighthouse	58° 59',7 N	10° 47',2 E
Færder lighthouse	59° 1',6 N	10° 31',7 E
Svenner lighthouse	58° 58',1 N	10° 9',1 E
Tvistein lighthouse	58° 56',2 N	9° 56',6 E
Mejulen light	58° 57',7 N	9° 41',6 E
Prisgrunn south point promontory	58° 57',9 N	9° 41',9 E

Kristiansand

2. All waters inside a line through

Arosveten	58° 4',0 N	7° 50',0 E
Songvår lighthouse	58° 0',9 N	7° 49',0 E
Lille Svarten	58° 2',9 N	8° 1',4 E
Meholmskjær	58° 5',6 N	8° 11',9 E
Langbåskjær	58° 6',4 N	8° 15',4 E
Krygholmen east point	58° 7',2 N	8° 14',4 E

Stavanger—Ryfylke fjords

3. All waters inside a line through

Tangerhaug beacon	58° 49',1 N	5° 32',6 E
Feistein lighthouse	58° 49',5 N	5° 30',5 E
Kvitsøy lighthouse	59° 3',7 N	5° 24',3 E
Klepp light	59° 10',3 N	5° 22',9 E
Smørstakk light	59° 15',1 N	5° 21',3 E
Kroknes	59° 16',0 N	5° 21',5 E

Along the West beach of Fosen and across Lovasund to Dragøy, along the West beach of Dragøy to Nostvik

	59° 19',9 N	5° 20',0 E
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The Bergen Areas

4. All waters inside a line through		
Fonnes	60° 48',5 N	4° 57',0 E
Hellesøy lighthouse	60° 45',1 N	4° 43',0 E
Lesle Odde (Litleodden)	60° 41',5 N	4° 42',0 E
Gangvarskjær	60° 38',4 N	4° 43',2 E
Herboskjær	60° 18',8 N	4° 53',5 E
Hufteskjær	60° 15',7 N	4° 55',2 E
Marsteinen	60° 7',9 N	5° 1',0 E
Salturholmen (Saltkjerholmen)	60° 4',9 N	5° 18',0 E
Svarthelleren	60° 5',0 N	5° 22',4 E
Dalhovde	60° 8',5 N	5° 36',5 E

The Trondheims fjord

5. All waters inside a line through		
Beian light	63° 38',9 N	9° 34',3 E
Smellingen east point	63° 37',8 N	9° 31',1 E
Skarpnes	63° 33',7 N	9° 24',0 E

The North-Norwegian fjords

6. All waters inside a line through		
The NW point, Tysnes in Korsnes	68° 16',0 N	15° 58',0 E
The SW point, Barøy	68° 20',0 N	16° 2',0 E
Then along the West beach to Barøy lighthouse	68° 21',2 N	16° 5',4 E
Lødingen, South light	68° 24',7 N	16° 1',1 E
Along the South coast of Hinnøy and around Årsteinen, along the Eastern coastline in the Raftsund to Kartnes light	68° 34',4 N	15° 13',0 E
Across the Sortlandssund to Haukenes	68° 34',8 N	15° 2',0 E
Then along the South and West beaches of Langøy to Vikan beacon	68° 42',1 N	14° 25',0 E
And out to base-line point No. 33	68° 44',7 N	14° 19',5 E
Then along the base-line to base-line point No. 12 (Knivskjærodden)	71° 11',1 N	25° 40',9 E
Along the Eastern and Southern beach of Magerøy to SW-ness, entry to Honningsvåg	70° 58',0 N	25° 55',0 E
Then the line to Sværholtklubben	70° 58',2 N	26° 40',0 E

Specified Leads or Navigation Routes

required for navigation through Restricted Areas in Norway

(When leads or navigation routes are not listed in detail, navigation is to be performed as prescribed in "Den norske los" (the "Norway Pilot".))

Restricted Area

Specified navigation lead

Outer Osloffjord—Langesundfjord

Iddefjord, Halden—Sarpsborg

1 *Herføl pilot station*

Sekken—Singlefjord to Svinesund to W Singlefjord—Hvaler—Løperen

11 *Færder pilot station*

North of Torbjørnskjær lighthouse—Sekken
(Lauersvelgen—Gravningssundet)

Restricted Area

Fredrikstad—Sarpsborg and the Single-fjord

West of Strømtangen

North of Rauøy

in/off Tønsberg port district (Eastern part)

in/off Tønsberg port district (Western part)

Sandefjord

The Sandefjord fjord

Larvik—Stavern—the Larvik fjord—Nevlunghavn

the Langesund fjord—Skien port district

The Kristiansand Area

Okseø

Kristiansand port district—the Kristiansand fjord—Toppdalsfjord

Vestregapet

Hølen

Stavanger—Ryfylke fjords

Feistein

Risaviki

Stavanger port distr. (Western port)

*Specified navigation lead**Færder pilot station*

North of Struten light—South of Strømtangen light—Kjøkøysund or Vesterelva. Løperen—Østerelva

Færder pilot station

towards Hollenderboen, then shortest way in

Færder pilot station

East of Lille Færder—Hollenderboen

Færder pilot station

from the main navigation lead (East of Lille Færder—Hollenderboen) the ship enters Torgersøgapet or Granebosundet. (For big ships other route according to directive from the master-pilot)

I *Færder pilot station*

Entry: the Tønsberg fjord

II *Stavern pilot station (off Svenner)*

Entry: the Tønsberg fjord

I *Stavern pilot station (off Svenner)*

II *Færder pilot station*

III *Langesund pilot station*

I *Stavern pilot station (off Svenner)*

II *Langesund pilot station*

Langesund pilot station

Dypingen or Kalven, then according to the navigation regulations of the ports. Departure permitted in the Langesund

II *Stavern pilot station*

Okseø pilot station

From Okseø—Grønningen lighthouse and seawards—Odderø South Point

Entry: Kristiansand W/E port district

Entry: Toppdalsfjord (Prohibited anchorage in Marvika)

Ny-Hellesund pilot station (off Songvår lighthouse)

Songvår—Hanegalsboen

Entry: Midchannel in Vestregapet towards Odderø South Point, then in

Ny-Hellesund pilot station

I From Songvår through the lead past Skarvø

II From Kristiansand port distr. entering Ny-Hellesund (South lead) or Ny-Hellesund (North lead) ("Springdansen")

Tananger pilot station

From the Chart Lead in to Risaviki

Past Tungenes, through the Byfjorden lead

Restricted Area

Stavanger port distr. (Eastern port)

Sandnes
Jørpeland—Fiskå—Jelsa—Tau—Lyse-
fjord

Sandsfjord and Inner Ryfylke fjords
not specified above
the Skudefjord

South Ryfylke fjords

North Ryfylke fjords

The Bergen Areas

The navigation leads Langenuen—
Bjørnefjord

Korsfjord

Korsfjord, North Bjørnefjord—Fusa-
fjord—Samnangerfjord and Eke-
landsfjord

North of Korsfjord (except Bergen and
inner fjords)

Bergen and inner fjords (inside Herdla)

Hjeltefjord

as specified under Korsfjord

Trøndelag

The Trondheimsfjord navigation lead
inside Agdenes

North-Norway Restricted Areas

I Lødingen—Ofoten

II Lødingen—Andfjorden

Specified navigation lead

Past Tungenes, through the Byfjorden and
Åmøyfjord leads, past Kløvningen and in
As above

Past Tungenes, through Byfjorden and Åmøy-
fjord leads, past Kløvningen and across
the Høgefjord and in

Entry: Kvitsøyfjord—Boknfjord—Ned-
strandsfjord and in

Skudefjord pilot station

(Kvitsøy—Skudesnes pilot stations) (Utsira)

Entry: Skudefjord, past Sveinane across
Kvitsøy fjord and then as specified above

I Entry: Skudefjord, across Boknfjord, Ned-
strandsfjord and in

II Entry: Kopervik pilot station (The
Karmsund southwards)

(Kopervik pilot station)

(Utsira pilot station)

Langenuen, then Bjørnefjord and Korsfjord
Transit ships continue Lervikosen—Vatles-
traumen—Hjeltefjord and the navigation
lead northwards past Feie

Korsfjorden pilot station

(off Marsteinen)

Continue Korsfjord—Bjørnefjord

Continue Korsfjord, through Lervikosen—
Vatlestraumen and Hjeltefjord

Continue from Vatlestraumen to the Byfjord
and on

Korsfjorden pilot station

Feie pilot station

(Herdlafjord not to be used)

Between Smellingen and Grindviktangen,
continue in past Agdenes

Tranøy pilot station

(Skrova pilot station)

(Lødingen pilot station)

Tranøy pilot station

Skrova pilot station

(Harstad and Tromsø only)

Lødingen pilot station

(to Honningsvåg)

Continue Tjeldsund, past Harstad and sea-
wards through Toppsundet—Andfjorden

Restricted Area

III Lødingen—Tromsø

IV Lødingen—Honningsvåg
Transit shipping
(Vestfjord—Honningsvåg)*Specified navigation lead**Lødingen pilot station*

(Tranøy pilot station)

(Skrova pilot station)

Continue Tjeldsund and northwards (not through Dyrøysund, not through East Channel in Finnsnesrenna)

As above

Lødingen pilot station

(As for Lødingen—Honningsvåg) Sørøysund to be sailed

*Positions from which Pilots of the Norwegian State Pilotage Service are to be Embarked before Navigation in the Restricted Areas**Outer Oslofjord—Langesundsfjord*

Herføl

Færder

Stavern (off Svenner lighthouse)

Langsund

The Kristiansand area

Oksø

Songvår

Stavanger—Ryfylke fjords

Tananger (off Feistein lighthouse)

Skudefjord pilot station (Skudenes—Kvitøy)

Utsira

Kopervik

The Bergen areas

Utsira

Korsfjord (off Marsteinen lighthouse)

Feie

(Runde)

The Trondheims fjord

(Runde)

Grip

Kråkvågfjord

The North-Norwegian Restricted Area

Tranøy (only as far as Tromsø)

Skrova (only as far as Tromsø)

Lødingen

Andenes

(Hekkingen)

(Fuglø)

Honningsvåg

5. PORTUGAL

ACT No. 2130 OF 22 AUGUST 1966, article II¹

6. SWEDEN

(a) ROYAL NOTICE² NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS
RELATING TO NAVIGATION**

GENERAL PROVISIONS

Article 1

In addition to the provisions of the Navigation Order, navigation in Swedish waters shall be governed by the provisions of the present Notice.

With regard to Swedish vessels, the Notice shall also apply outside Swedish waters in so far as this is compatible with such laws of foreign States as, by virtue of agreements or otherwise, are applicable.

Save as otherwise provided herein, the Notice shall not apply either to vessels of the Swedish Armed Forces or to foreign warships.

Article 2

1. A vessel of twenty tons gross tonnage or more shall fly its ensign during the period from sunrise to sunset while a Swedish warship is in sight.

If the vessel is lying in a port or at an anchorage at which a Swedish warship arrives, or if the vessel arrives at a port or anchorage in or at which a Swedish warship is present, the ensign may be lowered as soon as the arriving vessel has anchored or been moored.

2. In areas which, by order of the King, are either included in a naval port or are obstructed by mines or other means of defence, a vessel of twenty tons gross tonnage or more shall fly its ensign from sunrise to sunset while under way even if there is otherwise no obligation to wear a flag.

When the vessel is approaching such an area, the ensign shall be hoisted not later than the time when the vessel is one nautical mile away from the area.

3. A vessel which is laid up or is otherwise out of service shall in no case be required to wear a flag.

¹ See *supra* Chapter II. 16.

² *Svensk författningssamling* 1962, No. 267. By this Notice Royal Order No. 31 of 9 February 1945 concerning provisions relating to navigation in Swedish territorial waters (see ST/LÉG/SER.B/6, p. 245) has been repealed.

Article 3

A vessel may not, without compelling reason, navigate or come to a stop between Swedish warships which are under way in formation.

...

Article 11

1. If a vessel is commanded to heave to by a Swedish warship or military aircraft or by a fort or military post on land, the master of the vessel shall, if marine conditions so permit, immediately stop the vessel or lie to or, if necessary, cast anchor. In addition, the national ensign shall be hoisted even if there is otherwise no obligation to do so. If water and other conditions so permit, the master should also cause the vessel to sheer in order to indicate more clearly that the command to heave to has been understood and is being complied with. If the command is given by a military aircraft and the course to be followed is indicated, the master shall immediately steer the said course.

The master shall reply to signals and oral questions from the person giving the command to heave to. In replying to signals, the master may not reply by radio if a prohibition against signals by radio has been issued in any other connexion. The vessel may not continue its voyage until permission to do so has been received from the person who gave the command to heave to. The master shall comply with whatever instructions may be given by the said person with regard to the continuation of the voyage in Swedish waters.

2. A command to heave to given by a vessel or by a fort or military post on land shall be transmitted orally or by means of the international signal "WZ" in the form of signal flags or of Morse-code light or sound signals.

The command to heave to may be preceded or followed by an attention signal consisting of shots, with blank or live ammunition, aimed away from the vessel being commanded to heave to or of the protracted sound of a siren (or other sound-producing apparatus); provided that the last-mentioned type of signal shall not be used if the signal to heave to is given by means of a sound signal.

3. A command to heave to given by a military aircraft shall be transmitted by means of the international signal "WZ" (in the form of Morse-code sound signals or by radio) or by means of warning flares.

Article 12

The master of a vessel shall allow an inspection of the vessel to be carried out by the competent civil or military authority.

In the course of the inspection, the master shall take steps to facilitate the execution thereof and shall supply the information requested of him concerning the vessel and the voyage.

If the ship's papers are examined or a search of the vessel is carried out, the person conducting the inspection shall give the master an inspection certificate or shall make an entry concerning the inspection in the ship's log.

If, in the opinion of the person conducting the inspection, the inspection can be limited to an examination of the permit referred to in article 19, paragraph 2, a notation concerning the inspection shall be made on the permit.

If the inspection necessitates a further examination in port, the master of the vessel shall comply with the orders of the person conducting the inspection with regard to putting into a nearby Swedish port.

Article 13

The master of a vessel shall ensure that no photographing, sketching, surveying or other operation such as hydrographic measurements, gravimetric measurements or the like which provides or can yield unauthorized information concerning the country's defence arrangements or which may be of value for the intelligence activities of a foreign Power is carried out by any person employed on the vessel or otherwise accompanying the same, and that no measurements of water depths or soundings are carried out other than those which are indispensable for the safe navigation of the vessel.

The master may, on board the vessel, take into his custody such cameras, surveying instruments, radio equipment, telescopes and the like as can be used for unauthorized intelligence activities and may keep them in his custody for so long as may be necessary to prevent such activities.

The same authority shall vest in the person conducting the inspection.

(b) ROYAL NOTICE¹ NO. 10 OF 13 JANUARY 1967 CONCERNING PROTECTED AREAS, ETC.**

INTRODUCTORY PROVISIONS

Article 1

For the purposes of the protection of installations of importance to national defence, the King shall establish the protected areas and the restricted areas which are specified in the annex to this Notice.

Article 2

Those provisions of the Notice which concern restrictions on the right of aliens and foreign vessels to stay in protected areas shall also apply to restricted areas in the event of Sweden becoming a belligerent in a war or, as from the time determined by the King, of being affected by a threat of war, or if other extraordinary circumstances so require.

Article 3

The provisions concerning foreign vessels shall also apply to foreign hovercraft and to Swedish vessels or Swedish hovercraft which are used by aliens.

The regulations concerning commanders of defence district shall apply, in the case of Gotland county, to the chief of the Gotland military command.

¹ *Svensk författningssamling* 1967, No. 10. Came into force on 1 June 1967. The Protected Areas Notice No. 572 of 21 October 1955 and Notice No. 392 of 29 June 1956 concerning the establishment of protected areas have been repealed.

PROTECTED AREAS

Article 4

An alien or a foreign vessel shall be permitted to stay in a protected area only to the extent and subject to the conditions specified in articles 5-13.

...

Article 9

A foreign vessel may, without authorization, remain in a protected area for a period of not more than seventy-two consecutive hours at such anchorage or moorage as may be determined by the King. The said period shall include the time required for passage through the protected area to and from the anchorage or moorage.

A foreign vessel may, without authorization, make use of such water route within a protected area as the King or, as authorized by the King, the county administration may determine.

Navigation by a foreign vessel within a protected area shall take place without unnecessary stops and shall be undertaken for the purpose of direct passage or movement to or from the place where the vessel is permitted to stay.

Article 10

A foreign vessel may be authorized to stay in a protected area for a longer period or at another place than as specified in article 9 or to make use in such area of a water route other than as specified in the said article.

Article 11

If a foreign vessel anchors or moors at a place within a protected area where it is not permitted to do so, the master of the vessel shall forthwith report the situation to a police, customs, pilotage or military authority. A report as aforesaid made to an authority other than the police authority of the district in which the vessel has anchored or moored shall be forwarded to the latter authority. The police authority of the district shall notify the commander of the district.

After the report has been made, the vessel may not, except in a case of emergency, have any intercourse with land save as authorized by the police authority.

Article 12

Where a foreign vessel has anchored or moored within a protected area, a police or customs officer shall, as soon as possible, inspect the ship's papers and the identification documents of the persons on board and shall remind the master of the vessel of the regulations in force concerning aliens who wish to leave the vessel. The master shall enter particulars of the vessel and of the persons on board on a blank form prescribed by the National Police Board.

Article 13

Before a decision under article 5, second paragraph, or article 9, second paragraph, is made by a county administration, the county administration shall consult with the commander of the defence district.

RESTRICTED AREAS

Article 14

An alien or a foreign vessel shall be permitted to stay in a restricted area only to the extent and subject to the conditions specified in articles 15-22.

...

Article 18

A foreign vessel may, without authorization, remain in a restricted area for a period of not more than seventy-two consecutive hours at such anchorage or moorage as may be determined by the King. The said period shall include the time required for passage through the restricted area to and from the anchorage or moorage.

A foreign vessel may, without authorization, make use of such water route within a restricted area as the King or, as authorized by the King, the county administration may determine.

Navigation by a foreign vessel within a restricted area shall take place without unnecessary stops and shall be undertaken for the purpose of direct passage or movement to or from the place where the vessel is permitted to stay.

Article 19

In addition to what is provided in article 18, a foreign vessel of under twenty tons gross tonnage may, without authorization, remain for a period of not more than three months during a calendar year within such part of the area as the King or, as authorized by the King, the county administration may determine.

Article 20

A foreign vessel may be authorized to stay in a restricted area for a longer period or at another place or within another part than as specified in articles 18-19 or to make use in such area of a water route other than as specified in the said articles.

...

Article 22

The provisions of articles 7, 8 and 11 shall also apply to restricted areas.

SUPERVISION AND RELATED MATTERS

Article 23

Supervision to ensure that an alien or a foreign vessel does not unlawfully stay in a protected area or restricted area shall be incumbent on the police authority. Members of the Swedish armed forces and staff of the Customs Department shall assist in carrying out such supervision.

Regulations concerning such supervision shall be made by the National Police Board after consultation with the Commander-in-Chief and the General Customs Administration.

Article 24

An authorization as provided in this Notice may be granted where this can be done without endangering national defence.

An authorization to take up residence in a protected area or restricted area shall be granted by the county administration after consultation with the National Police Board and the commander of the defence district. Other authorizations shall be granted by the commander of the defence district after consultation with the police authority.

An authorization may be withdrawn where national-defence considerations give reason for doing so.

The granting or withdrawal of an authorization shall be reported to the State Aliens Commission.

...

PENAL PROVISIONS

Article 31

Any person who fails to comply with the obligation prescribed by article 29, second paragraph, shall be liable to a fine of not more than 100 kronor.

If an alien, or if a Swedish master of a foreign vessel, contravenes any other provision of this Notice, he shall, unless the act is subject to a prescribed penalty, be liable to a fine or to imprisonment for a term of not more than six months.

Article 32

Any picture, description or surveying information originating from an activity prohibited under article 7, any apparatus or equipment used in connexion with such prohibited activity and any explosives found to be in the possession of an alien within a protected area or restricted area shall be declared forfeited to the Crown unless such action is clearly unreasonable.

The objects referred to in the first paragraph shall be taken charge of by the control officials and shall be held in the premises of the police authority.

ANNEX

PROTECTED AREAS AND RESTRICTED AREAS

Protected areas

Kalix Protected Area shall be bounded:

On the *west* by a line along the western boundary of Kalix rural commune from the innermost part of the inlet east of Rörbäck to Söråskogsmynnen (5.5 km south-west of Töre church), thence in an easterly direction to the southern point of Djupåsh., thence in a northerly direction to the north point of Bjurtj. (3 km north-north-east of Töre church), thence in a north-north-easterly direction to the west point of Granträsket (2 km south-south-west of Råktjärv stn), thence along the northern shore to the Lillån and along the Lillån to the south-east point of Råktjärv, thence along the eastern shore of Råktjärv to

the northernmost part of the inlet 2 km west-north-west of p 200 (Katisberget), thence in an east-north-easterly direction to the south-east point of Djupträsket, thence along the eastern shores of Djupträsket, L. Grundträsket and St. Grundträsket, to the outfall of the Allsån, thence along the Allsån to the south-east point of Allsjärv, thence along the eastern shore of Allsjärv to its north point and thence in a north-north-westerly direction 12.5 km to the south point of Furuträsket;

On the *north* by a line from the south point of Furuträsket in an easterly direction to the south point of Rönsjärv and thence due east to the eastern boundary of Överkalix rural commune;

On the *east* by a line from the last-mentioned point in a southerly direction along the commune boundary to the bend in the boundary 2 km north-north-west of the north point of Storträsket, thence to the north point of Vitvattnet and along the western shore of Vitvattnet to its south point, thence via p 12.3 (1 km west of the cross-roads at Orträsk) to the south-east point of Mjöträsket, thence in a south-westerly direction via the south point of Mjövattnet to the east point of Storträsket, thence along the southern shore to the south-west point of Storträsket, thence along the outlet of Storträsket through Kvarntr. to Törefjärden and thence to the southern point of L. Färön; .

On the *south* by a line from the last-mentioned point in a west-south-westerly direction via Strömskatan to Maraklubben and thence in a north-westerly direction along the coast to the innermost part of the inlet east of Rörbäck.

Boden Protected Area shall be bounded:

On the *west* by a line from the south point of Bodön along the eastern bank of the Luleälven (west of Bodön and Sävastön) to a point on the bank 450 m west of p 88 (northern peak of the Åberget), thence via p 88, the cross-roads 1.7 km south of Svartbytr., the point of intersection between the road and brook 1 km east-north-east of the cross-roads in Svartbyn and the south point of Öv. Avans to a point on the railway 2 km north of the north point of Svartbytr., thence in a northerly direction along the railway to the point where it intersects the brook 3.5 km north of the north point of Svartbytr. and in a westerly direction along the said brook to its outfall in Buddbyträsket, thence in a southerly direction along the eastern shore of Buddbyträsket to the bridge at its south point, thence in a westerly direction along the road from the said bridge to the cross-roads in Gammelbyn and in a southerly direction along the road on the western shore of Bodträsk to the boundary of the target range at Bodträsk, thence along the said boundary to national road 97 and in a west-north-westerly direction along national road 97 to the cross-roads formed by the intersection of national road 97 and route 683 (500 m north of Trångforsbron), thence in a south-westerly direction to the eastern bank of the Luleälven and thence along the eastern bank of the Luleälven (south of Kusön) to a point on the bank 1 km south of the "Ö" in Överänge;

On the *north, east and south-east* by a line from the last-mentioned point in a north-easterly direction to the north-west point of Flarktj., thence in an easterly direction via the north point of Petträsket to p 173 (Ö. Lillträskhuvudet), thence in an east-south-easterly direction to the north-western part of the mountain directly north of p 173 (east of Junds.), thence along the boundary of the town of Boden via Kronkilmyren, Mellerstr., Smedstr., Smedsbyfjärden, Rörträsket and Kvavisträsket to the eastern bank of the Luleälven and thence to the south point of Bodön.

Hemsö Protected Area shall be bounded:

On the *south* by a line from the south-eastern point of Lungö along the southern shore of Lungö to the western point of Lungö (Strömskatan light);

On the *west* by a line from the last-mentioned point to the western point of Hemsön (landing-stage at Sanna) and thence along the western shore of Hemsön to its northern point;

On the *north* by a line from the last-mentioned point via the southern point of Lövvikslandet and the southern point of Grönviksgrund to the north-eastern point of Storön;

On the *east* by a line from the last-mentioned point via the eastern point of Storön to the south-eastern point of Lungö.

Singö Protected Area shall be bounded:

On the *south* by a line from Turhuvudet on Singö along the southern shore of Singö to the south-western point of Söder-Loskåret;

On the *west* by a line from the said point via the western point of the island directly west of Ramsan, Halvvägen light, the north-western point of the island directly west of Långgrundet, the westernmost point of Vässarön, the western point of Skogsskåret and the western point of Rödsåkåret to the northern point of Rödsåkåret;

On the *north* and *north-east* by a line from the last-mentioned point via the northern point of Norrsten to the north-eastern point of Understen;

On the *east* and *south-east* by a line from the last-mentioned point via Halsaren and the eastern point of Ytterörarna to Turhuvudet.

Söderarm Protected Area shall be bounded:

On the *south-west* and *west* by a line from the southernmost of the Vättarna via the north-east point of S. Rankarö to the southern point of Fejan, thence along the western shore of Fejan to its northern point, thence via the south-western point of S. Lönnsk, the south-western and western points of Lidön, the western point of Frövallskär, the southern point of Viberön and the south-western point of L. Äpsk. to the south-western point of Granö, thence along the western shore of Granö to its westernmost point and via the southern point of Högskår to Simpnäsklubb light;

On the *north-east* by a line from the said light via Tjärven light to the north-eastern point of Längden;

On the *south-east* by a line from the said point via Yttre Skötbådan and the southern point of Ö. Stenharan to the southernmost of the Vättarna.

Huvudskär Protected Area shall be bounded:

On the *west* by a line from the southern point of Storskär (8 km south-east of Utö church) along the western shore of Storskär to its north-western point, thence in a northerly direction to Nässkär, thence via the south-western point of Kroka Gråskär and the northern point of Ö. Runmaren to the south-eastern point of Varnöbergen (on Ornö), thence along the southern and eastern shores of Ornö to Ornöhuvud and thence to the eastern point of St. Kaskär;

On the *north* by a line from the last-mentioned point in an east-north-easterly direction to the northern point of Kvinnh.

On the *east* and *south-east* by a line from the northern point of Kvinnh. along the eastern shore of Kvinnh. to its south-eastern point, thence via the northern point of Jutskär, the eastern point of St. Grimskär, the eastern point of Smedsskär and the south-eastern part of Fiversättraön to the western point of Brännträsk and thence via the south-western point of Skogs-Rökan, Skakobben (north-east of Huvudskär) and the south-eastern point of Skaten to the southern point of Storskär.

Muskö Protected Area shall be bounded:

On the *south* and *west* by a line from the southern point of Ö. Slangholmen (south-east of Yxlö) via the south-western point of Yxlö (Låsudden) to Norvikudden, thence in a northerly direction along the mainland coast to the point 4000 m south of the final "r" in Ormmor, thence in a north-easterly direction to the point 850 m south of the "A" in Andviken, thence along the eastern shore to the landing-stage south-east of Alsnäset, thence

to Näsudden on Häringenäs and thence along the coast to Vitså landing-stage (700 m east-north-east of Berga castle);

On the *north* by a line from the last-mentioned landing-stage via the northern point of L. Huvudh., the northern point of Lövh., the westernmost part of Långarnsfjärden and the Oxnö triangulation-station mark to the southern point of V. Fjäderh.;

On the *east* and *south-east* by a line from the last-mentioned point in a south-south-westerly direction to Snappudd and via the eastern point of Kuggholmen to the eastern point of Kapellön, thence along the eastern shore of Kappellön to its south-eastern point and thence via the southern point of Blacken to the southern point of Ö. Slangholmen.

Landsort Protected Area shall be bounded:

On the *south* by a line from Yttre Karvasen (7 km east-south-east of Landsort light) in a west-north-westerly direction to Storberget;

On the *west* by a line from Storberget via Granklubben light, Vattklubben light, S. Bergholmen light, the south-western point of Torö and the north-western point of Öja to Örudden on Gärfloffa, thence along the western and northern shores of Gärfloffa to the headland at Draget, thence via the point south of the headland to the south point of Bergholmen, thence along the eastern shore to Stockbonäs, thence via the northern point of Brännskär and the northern point of Yttre Gården to the northern point of St. Rammklöv;

On the *north* by a line from the last-mentioned point via the northern point of Själskär and the northern point of Nättarö to the easternmost of the skerries east of Österskär (east of Nättarö);

On the *south-east* by a line from the last-mentioned skerry via the south-eastern point of Söderskär to Yttre Karvasen.

Gotland Protected Area shall comprise:

Gotska Sandön.

That part of northern Gotland which is bounded:

On the *west* and *north* by a line from the southern point of Majgu to the southern point of Enholmen, thence along the western shore of Enholmen via the northern point (Norderudde) of Asunden to Näsudden, thence along the western shore of Hideviken to Fridl. raukomr. and via Hideviken to the cross-roads south of Stenbrott, thence in a north-easterly direction along the road and path east of Nystugu (north of the name), south of Sudergårde and Kyllaj to Strandridaregården, thence along the Strandridaregården—Valleviken—Rute—Fleringe road to the cross-roads 400 m south-west of the "L" in Lundarhage, thence in a westerly direction to the coast and in a northerly direction along the coast to Hälludden, thence via the northern point of Falholmen, Digerhuvud, Langham-marshammaren (northern point) and the northernmost point of Norsholmen to Skärsände and thence along the coast to Fårö light;

On the *east* by a line from Fårö light to the northern point of Avagrunn, thence along the eastern shore of Avagrunn to its southern point, thence via the southern point of Askugrunn, the south-eastern point of Dämba Misslauper, the southern point of Rute Misslauper, Grauten light and the southern point of Skenalden to the southern point of Majgu.

Blekinge Protected Area shall be bounded:

On the *south* by a line from the southern point of Utlängan via Vitbådan (south of Hasslö) to Hasslöflöt;

On the *west* by a line from Hasslöflöt to the western point of Stångskär;

On the *north* by a line from the said point via Stångskärsflöt, the southern point (Almö point) of Almö, the northern point of Västraskär and the northern and north-eastern

points of the northernmost of the Högholmarna to the northernmost point of Kobebu, thence via the northern point of Getskär and the northern point of Äspeskär to the western point of Senoren, thence along the south-western shore of Senoren to its southern point, thence to the western point of Svenö and along the northern shore of Svenö to its eastern point, thence via the southern point of Svanö to the south-western point (south-west of Grebbegården) of Torhamnshalvön and thence along the shore of Torhamnshalvön to Torhamn point;

On the *east* by a line from Torhamn point to the north-eastern point (Saltstensudden) of Utlängan and along the eastern shore of Utlängan to its southern point.

Styrsö Protected Area shall be bounded:

On the *south* by a line from the south point of Rödsk. (south-east of Donsö) via the northern point of Vrångö and the southern point of the southernmost of the Amneskären to the southern point of Donsö Svartskär;

On the *west* by a line from the last-mentioned point via the western point of Buskär to the northern point of the island directly west of Klävesk.;

On the *north* by a line from the last-mentioned point to Gäveskär;

On the *east* by a line from Gäveskär to the northern point of Brännö, thence along the eastern shore of Brännö to its eastern point, thence to the northern point of the holm directly west of St. Mosskullen, thence along the eastern shore of the said holm to its south-eastern point, thence to the northern point of L. Mosskullen and along its eastern shore to its south-eastern point, thence via the northern point of Sillesk. and Krakö to the northern point of Rödsk. and thence along the eastern shore of Rödsk. to its southern point.

Björkö Protected Area shall be bounded:

On the *west* by a line from the southern holm of the holms directly south of Björkö to the eastern point of Fjärh., thence along the southern shore of Fjärh. to its north-western point, thence via the southern point of Hälsö to the southern point of Lindh. (north-west of Öckerö), thence along the western shore of Lind. to its north-western point and thence via the north-western point of Källön to the north-western point of Mavh.;

On the *north* and *east* by a line from the last-mentioned point via the northern point of St. Räven, Höge Lasken and the eastern holm of the holms south-south-west of Gallskärsb. to the northern point of Strömsund, thence along the eastern shore of this holm to its southern point and thence to the southern holm of the holms directly south of Björkö.

Restricted areas

Kalix—Boden Restricted Area shall be bounded:

To *landward* by a line from Alskataudden (south of Halfjärden) in a northerly direction along the mainland coast to the point 600 m east of Renholmsb., thence via the south-eastern point of Fjärdsgr., the southern point of Sandön (Sandöörarna), the south-eastern point of Sandöklubb and the south-eastern point of Liggskäret to the south-eastern point of Hertsön, thence along the eastern shores of Hertsön, Mulön and Björkö to Gloholmen, thence in a north-north-westerly direction to Gusöskatan and thence along the mainland coast to the north point of Mjölfjärden, thence in an easterly direction via the northern point of Granholmen to the innermost part of the inlet east of Rörbäck (where the western boundary of Kalix rural commune intersects the coastline), thence along the coast to Maraklubben and thence via Stromskatan and the southern point of L. Fårön to the outlet of Storräsket through Kvarntr. in Törefjärden, thence along the coast to Nässkatan, thence to Rånäsudden and along the coast to the position on a level with Klippan, thence to Bodskatan and along the coast to the eastern point of Torrveds-

holmen, thence to the southern point of Eriksören and thence due east to Kilpaniemi (where the eastern boundary of Kalix rural commune intersects the coastline);

To *seaward* by a line from the last-mentioned point due south to the south-eastern point of Malören and thence via the southern point of Kallen (south-east of Småskären), Marakallen and the south-east point of Mörön to Alskataudden.

Hemsö Restricted Area shall be bounded:

On the *south* by a line from the point 1 km south of the "H" in Härnö pilotage station along the northern shore of Härnön to the northernmost point of Härnön (Fridhem);

On the *west* and *north* by a line from the last-mentioned point due north to the southern shore of Vågnölandet, thence in a northerly direction along the shore to the position on a level with the north-western point of Åbordsön, thence to Hornöudden and thence along the eastern shore of Hornön, the western shore of Utviksfjärden and the western and northern shores of Norafjärden to easternmost part of Norafjärden, thence via the narrowest part of the headland to the western shore of Grönsviksfjärden and thence along the coastline via Kåringberget to Bråtaudden;

On the *east* by a line from Bråtaudden via the north-eastern point of Storön, the southern point of Grönviksgrund and the southern point of Lövvikslandet to the northern point of Hemsön, thence along the western shore Hemsön to the western point (ferry berth at Sanna) of Hemsön, thence via the western point (Strömskatan light) of Lungö and along the southern shore of Lungö to the south-eastern point of Lungö and thence to the point 1 km south of the "H" in Härnö pilotage station.

Sandhamn Restricted Area shall be bounded:

On the *south-west* and *north-west* by a line from the south point of Utterkobben (8.5 km south of the north-western point of Sandön) via the north-eastern point (Ska-gudden) of Runmarö and the northern point (Näsudden) of Runmarö to the northern point of Furuskäret;

On the *north* by a line from the last-mentioned point via the northern point of Horsh., the northern and eastern points of Brändö, the eastern point of Ålgerören and the north-eastern point of St. Mälkobb to Norrlängd;

On the *south-east* by a line from Norrlängd via the south-eastern point of Horrssten to the south point of Utterkobben.

Utö Restricted Area shall be bounded:

On the *south* by a line from easternmost of the skerries east of Österskär (east of Nattarö) via the northern point of Nattarö and the northern point of Själskär to the northern point of St. Rammklöv;

On the *west* by a line from the last-mentioned point via the southern point of Ö. Slangholmen and the southern point of Blacken to the south-eastern point of Kapellön, thence along the eastern shore of Kapellön to its eastern point and via the eastern point of Kuggholmen and Snappudd to the southern point of V. Fjäderh., thence via the Oxnö triangulation-station mark, the westernmost part of Långgarnsfjärden and the northern point of Lövh. to the northern point of L. Huvudh., thence in a north-easterly direction to Frönäsudd (triangulation-station mark) and along the shore to the point directly north of the "a" in Hasslinge, thence via Hasslinge and along the path to Nor and the road to Morarna, thence to the mouth of the inlet south-south-east of Morarna and thence via the northern point of St. Rotholmen and the south-eastern point of L. Långh. to the eastern point of St. Kaskär;

On the *east* by a line from the last-mentioned point of Ornöhuvud thence along the eastern and southern shores of Ornö to the south-eastern point of Varnöbergen, thence via the northern point of Ö. Runmaren to the south-western point of Kroka Gråskär, thence

in a south-easterly direction to Nässkär, thence in a southerly direction to the north-western point of Storskär and thence along the western shore of Storskär to its southern point;

On the *south-east* by a line from the last-mentioned point to the easternmost of the skerries east of Österskär (east of Nättarö).

Gotland Restricted Area shall be bounded:

On the *west* by a line from the innermost part of Hideviken in a northerly direction along the Kännungs—Norrgårde—Hellvi—Kajlungs—Skuttlings—St. Källstäde—St. Vikers road to the cross-roads 600 m south of the “S” in Storungs, thence in a westerly direction to the coast and in a northerly direction along the coast to a point west of the cross-roads 400 m south-west of the “L” in Lundarhage and thence to the said cross-roads;

On the *east* by a line from the last-mentioned cross-roads along the Fleringe-Rute—Valleviken road to Strandridaregården, thence in a south-westerly direction along the path and the road south of Kyllaj and Sudergårde and east of Nystugu (north of the name) to the cross-roads south of Stenbrott, thence to the coast 600 m west-south-west of the said cross-roads and thence along the coast to the innermost part of Hideviken.

Blekinge Restricted Area shall be bounded:

On the *south* by a line from the south-western point of Torhamnshalvön (south-west of Grebbegården) in a north-westerly direction via the southern point of Svanö to the eastern point of Svcnö, thence along the northern shore of Svenö to its western point, thence to the southern point of Senoren and along the south-western shore of Senoren to its western point, thence via the northern point of Äspeskär, the northern point of Getskär, the northernmost point of Kobebu, the north-eastern and northern points of the northernmost holm of the Högholmarna, the northern point of Västraskär, the southern point (Almö point) of Almö, Stångskärflöt and the western point of Stångskär to Hassleflöt, thence in a westerly direction via Vindskären and the southern point of Tärnö to the southern point of Stärnö;

On the *west* by a line from the last-mentioned point along the western shore of Stärnö to the easternmost part of Sandvik;

On the *north* and *east* by a line from the last-mentioned point in an easterly direction to the westernmost part of Vindhamn, thence via the north-western point of Boön to the northern point of Inr. Ortholmen, thence along the eastern shore of Inr. Ortholmen to its south-eastern point, thence to the northern point of Ytt. Ortholmen, thence along the eastern shore of Ytt. Ortholmen to its south-eastern point, thence via the narrowest part (north of Vägga point) of Yttervägga to the south-western point of Vettekullandet, thence along the mainland coast to the southern point (east of Rörh) of Risanäshalvön, thence in a south-easterly direction via the eastern point of Stekön to the north-western point of Krön and along the western shore of Karön to its southern point, thence due east to the western shore of Göhalvön, thence along the mainland coast to the southern point of Skillingenäs-halvön, thence via the northern point of Vanö to the northern point of Roslö and thence due east to the western shore of Saltö, thence along the western shore of Saltö to the southern shore of Saltö, thence to the point 200 m south-east of the southern point of Saltö and along the south-western shore of Karlskrona to the south-eastern point of Lindholmen, thence via the south-eastern point of Stumh. and the south-eastern point (200 m north-north-east of the northern point of Kalsholem) of Vämmö to the south-western point of Verkön, thence along the southern shore of Verkön to its southernmost point, thence to the southern point (Knösöudden) of Knösö and along the eastern shore of Knösö to the position on a level with the northern point (300 m north-east of the second “ö” in Knösö) of Säljön, thence due east to the western shore of Fäjö and along the shore to the southern point of Fäjö, thence to the south-western point of Trumnäshalvön and along the shore to the south-eastern point of Trumnäshalvön, thence in an easterly direction to the western point of Möcklöhalvön and along the mainland coast to the south-western point of Torhamnshalvön.

Björkö-Styrsö Restricted Area shall be bounded:

On the *west* by a line from the southern point (south-west of Styrsö) of Donsö Svartskär via the Trubaduren lighthouse tower, Vinga ungar, L. Svartsk. and Valsk. to the southern point of Grötö, thence along the eastern shore of Grötö to its northern point and thence to the southern point of Hälsö;

On the *north* by a line from the last-mentioned point to the north-western point of Fjärh. and along the southern shore of Fjärh. to its eastern point, thence via the southern holm of the holms directly south of Björkö to the southern point of Strömsund and thence in an easterly direction to the mainland coast;

On the *east* by a line along the mainland coast to the position on a level with the northern point of L. Varh., thence along the western shore of L. Varh. to its southern point and in an easterly direction to the mainland coast, thence along the coast to the southern point of Nötö, thence via the northern point of Rivö and Skiftesk. to the northern point of St. Lyngsk. (east of Donsö), thence along the eastern shore of St. Lyngsk. to its southern point and thence to the northern point of Rödsck.;

Thence by a line from the last-mentioned point in a northerly direction via Kråkö and the northern point of Sillesk. to the south-eastern point of L. Mosskullen and along the eastern shore of L. Mosskullen to its northern point, thence to the south-eastern point of the holm directly west of St. Mosskullen and along the eastern shore of the said holm to its northern point, thence to the eastern point of Brännö and along the eastern shore of Brännö to its northern point and thence via Gäveskär, the northern point of the island directly west of Klåvesk. and the western point of Buskär to the southern point of Donsö Svartskär.

7. UNION OF SOVIET SOCIALIST REPUBLICS

(a) REGULATIONS¹ OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

I. GENERAL PROVISIONS

Article 1. The State frontier of the USSR is the line delimiting the land and water territory of the USSR. The surface extending vertically along the said line constitutes the frontier of the air space and subsoil of the USSR.

...

Article 3. Coastal maritime waters to a distance of twelve nautical miles measured from the low-water line, both continental and insular, or from the outer limit of internal maritime waters of the USSR, shall constitute the territorial sea of the USSR. In particular cases provided for in agreements between the USSR and other States, the breadth of the territorial sea may differ from the foregoing.

¹ The text of the Regulations, published under No. 34 (1018) on 30 August 1960 in the *Bulletin of the Supreme Soviet of the Union of Soviet Socialist Republics*, was confirmed by the Decree of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, dated 5 August 1960, and by the Act of the Union of Soviet Socialist Republics, dated 22 December 1960. For the Regulations of 15 June 1927, see ST/LEG/SER.B/6, p. 255.

The outer limit of the territorial sea shall constitute the State maritime frontier of the USSR.

In sections where the territorial sea of the USSR is contiguous to the territorial sea of adjacent States, the State maritime frontier of the USSR shall be determined in accordance with agreements concluded between the USSR and the adjacent States, or, in the absence of such agreements, in accordance with the principles accepted in the international practice of states or by a straight line connecting the points at which the land frontier reaches the sea.

Article 4. The internal maritime waters of the USSR shall consist of:

(a) The waters of USSR ports bounded to seaward by a line passing through the outermost seaward points of the hydraulic and other port installations;

(b) The waters of gulfs, bays, inlets and estuaries, the shores of which belong in their entirety to the USSR, up to a straight line drawn from one shore to the other at the place where, on the seaward side, one or more passages begin to take form, provided that the width of each passage does not exceed twenty-four nautical miles;

(c) The waters of gulfs, bays, inlets, estuaries, seas and straits which have historically belonged to the USSR.

Article 5. On navigable frontier rivers, the State frontier of the USSR shall be established along the middle of the main fairway or thalweg of the river, and on non-navigable rivers along the middle of the river or the middle of the main branch; on frontier lakes it shall be established along the middle of the lake or along a straight line connecting the points at which the land frontier reaches the shores of the lake. Save as otherwise provided in agreements between the USSR and other States, the portions of the State frontier running along a river or through a lake shall not be altered by reason of a change in the configuration of the banks or shores or in the water level or by reason of the deviation of the river-bed in either direction.

Article 6. The State frontier of the USSR shall be marked by clearly visible frontier marks (frontier posts, pyramids, cairns, mounds, buoys, sighting marks and other marks).

In certain places, the outer limit of the territorial sea of the USSR may, for purposes of orientation, be marked by buoys and spar-buoys.

...

II. RÉGIME OF THE STATE FRONTIER

Article 9. Areas in which navigation, anchorage, fishing and similar activities shall be permanently or temporarily prohibited may be established in particular sections of the internal maritime and territorial waters of the USSR by decision of the competent authorities. The establishment of such areas shall be announced in the "Notices to Mariners".

...

Article 11. Persons wishing to cross the State frontier of the USSR may do so only if they are in possession of the prescribed documents in proper form entitling

them to enter or leave the USSR and shall do so at the places where frontier-crossing points are situated.

The conveyance across the frontier of matter in manuscript or printed form shall likewise be subject to control at the frontier-crossing points.

...

Article 15. Foreign non-military vessels shall enjoy the right of innocent passage through the territorial waters of the USSR. Innocent passage shall be understood to mean navigation through the territorial waters for the purpose of traversing the same without entering internal maritime waters or for the purpose of entering internal maritime waters or leaving internal maritime waters for the open sea. Passage shall be considered to be innocent if vessels steer the customary navigational course or the course recommended by the competent authorities, comply with the established régime and avoid areas closed to navigation as announced in the "Notices to Mariners".

The list of ports, bays and roadsteads open to foreign vessels, the procedure for entry and stay therein, for the conduct of cargo and passenger operations, for ship-to-shore communication, for the setting ashore of crew members and for visits aboard the vessels by persons other than crew members, and other matters connected with the entry of foreign non-military vessels into the territorial and internal maritime waters of the USSR shall be prescribed by the laws of the USSR and of the Union Republics and by special regulations and instructions issued by the competent authorities and published in the "Notices to Mariners" and other official publications.

Article 16. Foreign warships shall pass through the territorial waters and enter the internal maritime waters of the USSR, subject to the prior authorization of the Government of the USSR and in accordance with the procedure laid down in the rules for visits by foreign warships in the territorial and internal maritime waters of the USSR published in the "Notices to Mariners".

Foreign submarines authorized to stay in territorial and internal maritime waters of the USSR shall remain on the surface at all times.

Article 17. While in territorial and internal maritime waters of the USSR, foreign military and non-military vessels shall comply with the navigation, radio-telegraph, port, customs, sanitary and other regulations prescribed for vessels navigating and staying in such waters.

Article 18. Where foreign non-military vessels in distress are unable to comply with the rules of innocent passage through the territorial waters of the USSR, they shall so inform the authorities of the nearest Soviet port without delay. The giving of a false distress signal for the purpose of entering or staying in the territorial waters of the USSR illegally shall be regarded as a violation of the State frontier of the USSR. Vessels giving such a signal shall be liable to arrest.

Article 19. The taking of fish or crabs, killing of marine animals or conduct of any similar activity by foreign vessels in territorial and internal maritime waters of the USSR shall be prohibited except where such activity is authorized under agreements between the USSR and the States concerned. Foreign vessels shall likewise

be prohibited from engaging in hydrographic operations or research in the said waters.

Foreign vessels which violate the foregoing provisions, or, being authorized to engage in fishing or similar activities, violate the regulations in force while doing so, shall be liable to arrest, and the persons responsible for the violation shall be prosecuted in accordance with the laws of the USSR and of the Union Republics.

...

Article 26. The following shall be regarded as violators of the State frontier of the USSR:

(a) Persons who, by foot or by land transport, or aircraft, cross or attempt to cross the State frontier at points other than the established frontier-crossing points or who do so at the established points but in an illegal manner;

(b) Persons discovered in territorial and internal maritime waters of the USSR or in the Soviet portion of frontier rivers and lakes, whether on vessels or floating objects or swimming, if they have illegally entered such waters or are attempting to leave them illegally;

(c) Foreign military and non-military vessels which have entered territorial and internal maritime waters of the USSR or the Soviet portion of frontier rivers and lakes in violation of the regulations in force with regard to such entry;

(d) Aircraft which cross the air-space frontier of the USSR without the authorization of the competent Soviet authorities to fly across the frontier and over the land or water territory of the USSR, or, having received such authorization, fly across the frontier at an unauthorized place or at an unauthorized altitude.

Article 27. Persons who violate or attempt to violate the State frontier of the USSR, and persons and their accomplices who convey or attempt to convey across the State frontier of the USSR any objects, materials, currency or items having the value of currency the import or export of which is prohibited shall be liable to arrest and prosecution in accordance with the laws of the USSR and of the Union Republics.

(b) NOTICE¹ CONCERNING FORTIFIED ZONES AND RULES FOR NAVIGATION THEREIN**

It may sometimes be found necessary to lay down special conditions, of permanent rather than a temporary nature, for navigation in certain areas contiguous to the Union of Soviet Socialist Republics. Such areas shall hereinafter be referred to as "fortified zones".

All ships sailing in waters contiguous to the Union of Soviet Socialist Republics shall be required to conform strictly to the "Rules for navigation in fortified zones of the USSR" set forth below.

Information concerning the areas declared to be fortified zones shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

¹ *Notices to Mariners* of 1 January 1967, issue 1, No. 3. Except article 7, there is no substantial change in the text as reproduced in ST/LEG/SER.B/6, p. 263. The translation was revised.

Rules for navigation in fortified zones of the USSR

1. These rules shall apply to all foreign-going merchant ships, whether of USSR or foreign nationality.

2. Fortified zones shall be announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence, and alleged ignorance of the said notices shall not constitute grounds for evading responsibility for breaches thereof.

3. No foreign-going merchant ship, whether of USSR or 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 in each case by a special notice.

4. No merchant ship may in any circumstances proceed through a fortified zone without a pilot.

When a ship is proceeding through a fortified zone, the master shall promptly carry out all instructions of the pilot in matters pertaining to compliance with the conditions for navigation in the said zone (black-out, keeping crew off the upper deck and so on).

5. A merchant ship proceeding through a fortified zone by night shall show only the prescribed lights, unless special orders to darken ship have been issued or the pilot has given instructions in that regard.

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, in all cases, shall give way to formations of warships and shall refrain from cutting through a line of warships or approaching warships engaged in special exercises or in firing.

The procedure to be followed when meeting single warships not engaged in special exercises shall be governed by the regulations for the prevention of collisions of ships at sea.

8. On the approach of fog, a fortified zone shall be closed to the passage of merchant ships.

Notification concerning prohibited navigation and anchorage areas

It is sometimes necessary to prohibit vessels from navigating or anchoring 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 shall be announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

Such areas shall be declared, as a rule temporarily, to be prohibited for a specified period of time and shall be designated as "temporarily prohibited navigation areas".

Areas in which anchorage alone is prohibited shall be permanent and shall be designated as "prohibited anchorage areas".

The boundaries of such prohibited areas as announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence must be marked on navigational charts.

8. YUGOSLAVIA

LAW¹ OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

Article 2

The terms used in the present Law have the following meanings:

(1) A foreign merchant ship is a ship of foreign nationality used for commercial purposes and any other ship which is not comprised by paragraphs 2 to 5 of the present article;

...

(5) A foreign government ship is a ship owned or used by a foreign State, being not a warship and operated exclusively for non-commercial purposes of the respective State;

...

Article 17

The Secretary of State for National Defence, in agreement with the Federal Secretary for Internal Affairs and the Federal Secretary for Transport and Communications, may as a necessary measure for Yugoslavia's security, determine several zones in the territorial sea through which zones the passage of foreign ships is provisionally suspended or limited.

The Secretary of State for National Defence, in agreement with the Federal Secretary for Internal Affairs and the Federal Secretary for Transport and Communications, shall prescribe which national ships and under which conditions are allowed to navigate through the forbidden zones referred to in paragraph 1 of the present article.

The regulations concerning the limits of the zones, the suspension or limitation referred to in paragraph 1 of the present article, together with necessary informations, shall be published in the Notice to Mariners.

...

¹ *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent Mission of Yugoslavia to the United Nations.

Chapter IV
CUSTOMS, FISCAL AND SANITARY MATTERS

1. AUSTRALIA

(a) QUARANTINE ACT 1908-1961 (No. 61 of 1961; 24 October 1961)

PART I. INTRODUCTORY

...

5. *General definitions*

In this Act, unless the contrary intention appears—
“Australian vessel” means a vessel which does not voyage or ply to or from any place outside Australia:

...

PART II. ADMINISTRATION

...

13. *Proclamation of ports of entry, etc,*

(1) The Governor-General may, by proclamation—

(a) declare any ports in Australia to be first ports of entry for oversea vessels;

(aa) declare any place or area in Australia to be a landing place for vessels engaged in navigation by air;

(b) declare any ports in Australia to be ports where imported animals and plants or any particular kinds of imported animals or plants may be landed;

(c) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants;

(d) prohibit the introduction into Australia of any noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture virus or substance or article containing, or likely to contain, any noxious insect, pest, disease germ, microbe, or disease agent;

(e) prohibit the importation into Australia of any articles likely, in his opinion, to introduce any infectious or contagious disease, or disease or pest affecting persons, animals or plants;

(f) prohibit the importation into Australia of any animals or plants, or any parts of animals or plants;

(fa) prohibit the bringing into any port or place in Australia of any animals;

(g) prohibit the removal of any animals, plants or goods, or parts of animals or plants from any part of the Commonwealth to any other part of the Commonwealth;

(h) declare any part of the Commonwealth in which any quarantinable disease or any disease or pest affecting animals or plants exists, or is suspected to exist, to be a quarantine area; or

(i) declare that any vessel, persons, animals, plants, or goods in any quarantine area, or in any part of the Commonwealth in which any quarantinable disease, or any disease or pest affecting plants or animals, exists, or is suspected to exist, shall be subject to quarantine.

(1A) The power to declare first ports of entry shall extend to authorize the declaration of a port to be a first port of entry for all oversea vessels, or for oversea vessels from any particular place, or for any class of oversea vessels.

(2) The power of prohibition under this section shall extend to authorize prohibition generally or with limitations as to place and subject-matter, and either absolutely or subject to any specified conditions or restrictions.

(3) The powers conferred on the Governor-General by this section, in relation to the matters specified in paragraphs (g), (h) and (i) of sub-section (1), so far as they relate to animals, plants or goods, or any disease or pest affecting animals or plants, shall only be exercised in cases where the Governor-General is satisfied that the exercise of those powers is necessary for the purpose of preventing the spread of a quarantinable disease, or a disease or pest affecting animals or plants.

14. *Exemption of certain vessels and goods*

The Governor-General may exempt, for such time and subject to such conditions as he thinks fit, from all or any of the provisions of this Act—

(a) any ship of war;

(b) any vessels trading exclusively between Australian ports or Australia and New Zealand or Fiji, or other places adjacent to Australia;

(c) any particular vessel or class of vessels; and

(d) any persons, animals, plants, or goods.

...

17. *When vessel subject to quarantine*

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 an Australian 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.

18. *Persons subject to quarantine*

(1) The following persons shall be subject to quarantine:—

- (a) Every person who is on board a vessel subject to quarantine, or who has been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) Every person infected with a quarantinable disease;
- (c) Every person who has been in contact with or exposed to infection from any person or goods subject to quarantine; and
- (d) every person who is, or has been within a period of fourteen days, in an area which is a quarantine area.

Goods subject to quarantine

(2) The following goods shall be subject to quarantine:—

- (a) All goods which are on board a vessel subject to quarantine, or which have been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) All goods infected with a quarantinable disease; and
- (c) All goods which have been in contact with or exposed to infection from a quarantinable disease or from any person or goods subject to quarantine.

(b) QUARANTINE (GENERAL) REGULATIONS (Statutory Rules No. 34 of 1958; 29 May 1958)^{1*}

(c) QUARANTINE (ANIMALS) REGULATIONS (Statutory Rules No. 23 of 1961, 20 February 1961)^{2*}

(d) QUARANTINE (PLANTS) REGULATIONS (Statutory Rules No. 117; 28 August 1964)^{3*}

2. CANADA

CUSTOMS ACT, AS AMENDED⁴

¹ As amended by *Statutory Rules* No. 80 and No. 188 of 1965.

² As amended by *Statutory Rules* No. 14, No. 109 and No. 117 of 1966.

³ As amended by *Statutory Rules* No. 82 of 1965, No. 13 of 1966 and No. 45 of 1967.

⁴ *Supra* Chapter 1. 7 (b).

3. DENMARK

(a) CUSTOMS ACT NO. 1 OF 28 JANUARY 1959, AS AMENDED, AS PUBLISHED IN CONSOLIDATED ACT NO. 1 OF 18 JANUARY 1967^{1**}

...

PART 2. CUSTOMS ADMINISTRATION

CHAPTER 1

*General provisions**Article 5*

1. The customs area shall comprise the land areas and internal waters of Denmark and the territorial sea of Denmark to a distance of four nautical miles (7,408 m.) from the coastline or from such straight baselines as have been or may be established in accordance with the rules of international law.

2. Such provisions of this Act or of regulations made thereunder as concern the transport of goods and similar matters may be made applicable outside the customs area to the extent determined by international agreement.

3. The Faroe Islands and Greenland shall not be included in the customs area.

...

Article 11

1. The customs authorities may move freely anywhere along the coast and in port areas and conduct searches of goods in warehouses on the coast or in ports.

2. The customs authorities may pursue persons who evade customs supervision, or are presumed to do so, in respect of goods brought with them over the land frontiers or from vessels or aircraft, and may also, in such cases, conduct house searches and the like if such measures are directly connected with the pursuit.

...

CHAPTER 2

*Navigation*A. *General provisions**Article 17*

1. Every vessel within the Danish customs area shall be subject to the supervision of the Danish customs authorities and shall stop when so requested by such authorities. Regulations concerning the use of stop signals shall be made by the Customs Administration.

¹ *Lovtidende A* 1967, No. 1 of 18 January 1967. Customs Act No. 171 of 11 May 1928, Customs Regulations of 1 February 1927, Royal Decrees No. 234 of 9 September 1927 and No. 219 of 4 December 1929 on measures to prevent smuggling, and Act No. 219 of 1 July 1955 respecting measures to prevent smuggling, etc., reproduced in ST/LEG/SER.B/6, pp. 121-122, have been repealed.

2. The customs authorities may conduct such inspections (rummaging) anywhere on the vessel as are necessary for purposes of supervision.

3. It shall be the responsibility of the master of the vessel to provide such information concerning the vessel, its cargo and so on as may be necessary for the exercise of supervision and to produce ship's papers and cargo documents in support of the information given. It shall further be the duty of the master to indicate all means of access to the cargo and all holds and recesses in which goods can be kept with which he is or should be familiar.

Article 18

The customs authorities may require that goods subject to customs control be placed under customs seal while a vessel is in the Danish customs area or when, on a voyage between places in Denmark, it passes through foreign waters. If the application of customs seals cannot be effected properly, the vessel may, at the decision of the customs authorities and at the vessel's expense, be placed under customs guard.

Article 19

The unloading and loading of goods and the disembarkation and embarkation of passengers may take place only at the custom-houses and customs inspection posts which are entitled to clear vessels on the route in question.

...

PART 3. PENAL PROVISIONS

Article 189

1. The import from abroad or from a customs-free area of dutiable goods of any kind without declaring the same to the customs authorities in accordance with the provisions of this Act shall be regarded as smuggling. The removal of goods from a bonded warehouse without notification and the removal of goods under customs seal shall likewise be so regarded.

2. An offence against the provisions of articles 106 and 122 shall also be regarded as smuggling.

3. If uncleared goods or goods which are declared for export against reimbursement of or exemption from customs or other duty or against consignment to storage are found to have been brought back without notification from a vessel or other means of conveyance or otherwise withheld from export without being declared to the customs authorities, such goods shall be considered to have been smuggled into the country.

4. If dutiable goods which are not listed in the cargo documents and have not been properly declared to the customs authorities are found on board a vessel or other means of conveyance that has entered the customs area, the owner of such goods shall be considered to have attempted to smuggle them into the country.

5. Any vessel under 120 net tons which within the customs area is found to be carrying on board heavily dutiable goods the customs and other duty on which amounts to not less than 500 kronor shall be considered to be attempting to engage in smuggling unless there is strong evidence that the vessel is not being used for such purposes.

Article 190a

1. Any means of conveyance which has been used for the smuggling or attempted smuggling into the country of heavily dutiable goods or for the conveyance of such goods in the customs area may be detained by the customs authorities, or by the police on behalf of the customs authorities, until the amounts which, in respect of customs or other duty, fines and costs, are due from the owner, person in charge or crew of the means of conveyance or any other person employed thereon have been paid or security for the payment thereof has been given. If payment is not made or security given within two months after the final disposition of the case, satisfaction may be sought against the means of conveyance.

2. The provisions of articles 745 and 746 of the Administration of Justice Act in respect of the seizure of articles liable to confiscation shall apply as appropriate to the detaining of the means of conveyance by the aforementioned authorities. Detention may be effected only if necessary to ensure payment of the aforementioned amounts. Detention may not be effected if the person who was in charge of the means of conveyance while it was being used for smuggling or the like was not legally in possession thereof.

...

Article 195

1. The use of a Danish vessel for the commercial smuggling of alcoholic liquors to the foreign States which have ratified the Convention¹ for the Suppression of the Contraband Traffic in Alcoholic Liquors, signed at Helsinki on 19 August 1925, shall entail the application of the penalties provided for in article 190, paragraph 1, in respect both of the owner or ship-owner and of the charterer of the vessel and its master. The trans-shipment of goods outside the customs areas of the aforementioned States in circumstances which constitute strong evidence of intent to smuggle the goods into one of those areas shall also be regarded as smuggling.

2. The vessel shall constitute security for the payment of fines.

3. Save where the Act is punishable under article 193, paragraph 3, the provisions of article 193, paragraphs 1 and 2, shall apply to any person who, in respect of goods exported from Denmark, issues or causes to be issued fundamentally inaccurate documents in support of an application for customs privileges (Area tariff treatment) in foreign States which have ratified the Convention establishing the European Free Trade Association or an agreement of association therewith.

(b) NOTICE NO. 9 OF 28 JANUARY 1959 ON MEASURES TO PREVENT SMUGGLING^{2**}

Article 1

In pursuance of article 12, paragraph 1, of the Customs Act, it is hereby provided that the provisions of the Customs Act relating to the carriage of goods by sea, etc. and the relevant penal provisions, including the provisions of article 189, paragraphs 4 and 5, shall apply to vessels of Danish and Norwegian nationality and

¹ For article 9 of the Convention, see ST/LEG/SER.B/6, p. 709.

² *Finansministeriets bekendtgørelse* No. 9 of 28 January 1928. See the Customs Act above.

of the nationality of all the Baltic States in the areas and to the extent laid down by article 9¹ 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 (cf. Notice No. 150 of 20 May 1926 concerning Denmark's ratification of the said Convention).

Article 2

It is further provided, in pursuance of article 12, paragraph 2, of the Customs Act, that supervision staff from Sweden, while carrying out the supervision referred to in the Convention of 28 October 1935 between Denmark and Sweden for common supervision in order to prevent the smuggling of alcoholic liquors (as published in the Notice of 10 February 1936), shall have the same powers and enjoy the same legal protection as Danish customs supervision staff.

This Notice shall come into force on 1 February 1959, and on the same date there shall stand repealed Royal Orders No. 281 of 17 November 1926, No. 234 of 4 September 1927,² No. 181 of 25 August 1929, No. 219 of 4 December 1929³ and No. 13 of 24 January 1936.⁴

(c) NOTICE⁵ NO. 101 OF 18 MARCH 1960 ON HEAVILY DUTIABLE GOODS*

4. FEDERAL REPUBLIC OF GERMANY

CUSTOMS ACT OF 14 JUNE 1961^{6**}

PART I. THE MOVEMENT OF GOODS

...

Article 2

Customs territory, attached customs areas, detached customs areas, customs-free areas, customs frontier, areas outside customs jurisdiction

(1) The term "customs territory" (*Zollgebiet*) means German territory, including the attached customs areas but excluding the detached customs areas and the customs-free areas. The customs territory is enclosed by the customs frontier.

(2) The term "attached customs areas" (*Zollanschlüsse*) means foreign territories which are attached to the German customs territory. The term "detached

¹ See ST/LEG/SER.B/6, p. 709.

² *Ibid.*, p. 121.

³ *Ibid.*, p. 122.

⁴ *Ibid.*, p. 150.

⁵ *Finansministeriets bekendtgørelse* No. 101 of 18 March 1960.

⁶ *Bundesgesetzblatt* 1961 I, p. 737. The Customs Act of 20 March 1939, partly reproduced in ST/LEG/SER.B/6, pp. 139-140, was repealed as from 1 January 1962.

customs areas” (*Zollauschlüsse*) means German territories which are attached to a foreign customs territory.

(3) The term “customs-free areas” (*Zollfreigebiete*) includes:

1. German ships and German aircraft in areas which do not form part of any customs territory;
2. The island of Helgoland;
3. Portions of seaports that are excluded from the customs territory (free ports, cf. article 86);
4. Waters and shoals between the national frontier and the customs frontier along the coast (paragraph 4);
5. Roads on the national frontier and inland waters which, owing to the drawing back of the customs frontier (paragraph 5), are excluded from the customs territory but are not included in a foreign customs territory.

(4) The customs frontier along the coast shall be the actual coastline. The Federal Minister of Finance shall, by administrative decree, determine the customs frontier at the mouths of rivers in accordance with the requirements of customs control. The Federal Minister of Finance may, by administrative decree, extend the customs frontier along the coast as far as the national frontier for the purpose of facilitating customs control.

(5) The Federal Minister of Finance may, by administrative decree and for the purpose of facilitating customs control, draw back the customs frontier in such a way that roads on the national frontier and inland waters are completely or partially excluded from the customs territory.

(6) The customs Code shall apply without limitation in the customs territory. The Customs Code shall not apply in customs-free areas in so far as it relates to the character of goods as goods subject to customs control; this provision shall not affect the provisions of paragraph (7). The Customs Code shall not apply in detached customs areas.

(7) Places where customs clearance is effected outside the customs territory and where duly authorized German or foreign customs authorities conduct official business in accordance with the German Customs Code shall be deemed for the purposes of such business to be German customs territory. The same shall apply to the routes connecting those places with the customs territory to the extent that goods being imported or exported are carried thereon. Customs posts in customs-free areas shall be authorized at the places where customs clearance is effected by them, to conduct official business relating to the import and export of goods.

(8) The term “areas outside customs jurisdiction” (*Zollausland*) means all areas not belonging either to the customs territory or to the customs-free areas.

Article 3

Customs routes, customs ports of entry, customs airports

(1) Goods may be imported and exported only by way of customs routes. This shall not apply to the importation and exportation of goods transported on public railways or in aircraft or to the importation of goods not subject to customs control (article 5, paragraph (1)).

(2) The term “customs routes” (*Zollstrassen*) means those roads, waterways, pipelines and other transport routes which are declared by public notice to be customs routes.

(3) Incoming ships may dock only at customs ports of entry, and outgoing ships may depart only from such ports. Public notice shall be given of customs ports of entry. Ships on customs routes may not hold intercourse with other vessels or vehicles or with the shore.

...

SECTION 2

Other customs-free areas

Article 67

Transport restrictions and customs control

...

(2) In waters and shoals between the national frontier and the customs frontier along the coast, and in inland waters excluded from the customs territory, the master of a ship shall, at the request of the customs officers, bring his ship to a stop and shall allow the customs officers to come on board and leave the ship, to examine the shipping papers and to inspect the ship and its cargo.

...

(4) In waters which constitute customs-free areas, goods may be disembarked only when necessary for fishing, oyster catching, the emplacement of navigation markers or similar purposes.

5. NEW ZEALAND

CUSTOMS ACT 1966 (No. 19 OF 1966; 16 SEPTEMBER 1966)¹

...

2. Interpretation.

(1) In this Act, unless the context otherwise requires—

...

“Most favoured nation” means a country, not forming part of the Commonwealth, to the products or manufactures of which the duties and exemptions from duty referred to in paragraph (a) of subsection (2) of section 4 of the General Agreement on Tariffs and Trade Act 1948 for the time being apply, whether by virtue of that paragraph or by virtue of any Order in Council made (before or after the commencement of this Act) under section 5 of that Act and for the time being in force:

¹ By section 311 and seventh schedule of this Act, Customs Act 1913 reproduced in ST/LEG/SER.B/6, pp. 216-218, was repealed.

“Most Favoured Nation Tariff” means the rates of duty and the exemptions from duty (except the rates and exemptions preceded by the abbreviation “SA”) specified in the column headed “Most Favoured Nation” in the Tariff; and includes any modification or amendment thereof that may hereafter be made:

...

“Ship” means any kind of vessel used in navigation, not propelled by oars only:

...

PART III. IMPORTATION, EXPORTATION, REMOVAL WITHIN NEW ZEALAND

Ports of Entry, Customs Airports

26. *Ports of entry*

(1) The Minister may from time to time, by notice in the *Gazette*, appoint as a port of entry for the purposes of this Act any area specified in the notice, and fix the name of that port.

(2) A port of entry may be so appointed for any specified limited purposes exclusively, or for all purposes with specified exceptions, or without any such limitation; and if any such limitation is so imposed the port shall be deemed a port of entry in respect of the purposes so authorised only.

(3) The Minister may from time to time, by notice in the *Gazette*, declare that any port shall cease to be a port of entry for the purposes of this Act, or alter the limits or the name of any port, or impose any limitation on the purposes for which any port shall be a port of entry, or remove or alter any such limitation.

...

PART V. DUTIES

The Customs Tariff

...

126. *Most Favoured Nation and General Tariffs may be applied to countries of the Commonwealth*

Subject to section 128 of this Act, but notwithstanding any other provisions of this Act, the Governor-General may from time to time, by Order in Council, apply the Most Favoured Nation Tariff or the General Tariff, either in whole or in part, to goods being the produce or manufacture of any part of the Commonwealth, and thereupon there shall be levied on all such goods the duties (if any) set forth in respect of those goods in the Most Favoured Nation Tariff or in the General Tariff, as the case may require, in lieu of the duties (if any) set forth in respect of those goods in the British Preferential Tariff.

PART VIII. POWERS OF OFFICERS OF CUSTOMS

...

206. *Searching of ships and aircraft*

(1) Any officer of Customs may search any ship or aircraft within the territorial limits 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 or aircraft, and open any package, locker, or other place, and examine all goods found on the ship or aircraft.

...

208. *Firing on ships*

The officer commanding or officer in charge of any ship in Her 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, within the territorial limits of New Zealand, chase any ship which does not immediately bring-to when signalled or required to do so, and may, after having fired a gun as a signal, fire at or into the ship to compel her to bring-to.

...

PART XI. OFFENCES

...

Other Offences

...

250. *Ships and aircraft adapted for smuggling*

If any ship or aircraft comes or is found within the territorial limits of New Zealand having—

(a) False bulkheads, bows, sides, or bottoms adapted for the purpose of concealing goods; or

(b) Any secret or disguised place adapted for the purpose of concealing goods; or

(c) Any hole, pipe, or device adapted for the purpose of smuggling or unlawfully importing or exporting goods—

the master and the owner in the case of a ship, or the owner in the case of an aircraft, shall be guilty of an offence and shall be severally liable to a fine not exceeding five hundred pounds.

...

PART XII. FORFEITURES

Forfeiture

...

272. *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.

...

Seizure

...

276. *Where goods may be seized*

Goods may be seized as forfeited wherever found within the territorial limits of New Zealand.

...

PART XIII. DETENTION OF SHIPS AND AIRCRAFT

289. *Ships and aircraft liable to detention*

Any ship or aircraft shall be liable to detention in accordance with this Part of this Act when any offence has been committed for which the owner or master of the ship or the owner or pilot in command of the aircraft is liable as such to a penalty under this Act.

290. *Seizure of ships and aircraft*

(1) Any officer of Customs may seize any ship or aircraft that is liable to detention under this Act or which he has reasonable and probable cause for 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 or aircraft shall be so seized at any time except within two years after the act or event that rendered it liable to detention.

291. *Where ships and aircraft may be seized*

No ship or aircraft shall be so seized elsewhere than within the territorial limits of New Zealand.

6. NORWAY

(a) CUSTOMS ACT¹ OF 10 JUNE 1966^{2**}

CHAPTER 1

*Definitions. Scope of the Act**Article 1*

For the purposes of this Act:

1. The term "customs area" means the Norwegian mainland and all areas within the territorial frontier.

¹ By this Act the Customs Act of 22 June 1928, as amended (see ST/LEG/SER.B/6, p. 222), was repealed. By section 2 (1), a new authority is given for the Royal Resolution of 28 October 1932 (see ST/LEG/SER.B/1, p. 87 and ST/LEG/SER.B/6, p. 35) prescribing a specific customs limit. The texts reproduced in ST/LEG/SER.B/1, p. 87, and ST/LEG/SER.B/6, p. 35, have been so amended.

² For paragraph 2 see *infra* DIVISION III.

...

8. The term "conveyance" means any device capable of being used for the transport of goods.

9. The term "vessel" means any conveyance capable of being used for water transport.

...

Article 2

The King may:

1. Establish a special customs frontier outside the territorial sea frontier and determine the extent to which this Act shall apply to that area;
 2. Establish provisions specifying whether, and to what extent, the provisions of this Act in respect of traffic to and from the customs area shall apply to traffic from and to Svalbard, Jan Mayen and the marine hunting grounds on the high seas;
 3. Make exceptions to the provisions of this Act in the case of certain types of conveyance;
 4. Make such amendments to the provisions of this Act as are necessitated by international agreements.
- ...

Article 4

In application of an agreement concerning customs co-operation with another State, the King may establish, along the frontier facing that State, a supervision zone which shall correspond to a similar zone in the territory of the other State. The width of the supervision zone in Norwegian territory may not exceed fifteen kilometres.

As a feature of customs co-operation in connexion with road, rail, air or sea traffic the King may likewise establish supervision zones elsewhere in Norwegian territory, comprising sections of road or rail with one or more station areas, landing fields for aircraft, shipping channels or port areas.

...

CHAPTER III

General provisions concerning customs supervision and customs treatment

...

Article 10

In the exercise of their supervision activities the customs authorities shall have unimpaired access out of doors anywhere along the coast, in port areas, to railway lines and the station areas pertaining thereto, and to landing fields for aircraft and to areas adjoining the land frontier.

Article 11

The customs authorities may stop and search:

1. Vessels and aircraft anywhere in the customs area;
2. Any other conveyance en route from or to the frontier of the customs area;

3. Goods carried to or from the customs area without the use of a conveyance;
4. Goods carried from or to a stopping-place for vessels or a landing field for aircraft.

The customs authorities may take such measures as are deemed necessary for the exercise of supervision with respect to conveyances or the carriage of goods as provided in the first paragraph of this article.

Article 12

In order to ascertain whether there has been an evasion or attempted evasion of customs supervision in respect of goods, the customs authorities may conduct a search:

1. Anywhere out of doors provided that the search is undertaken in direct connexion with the investigation of a circumstance which is believed to entail such an evasion of supervision;
2. Anywhere out of doors in areas where unloading or loading is taking place or is believed to have taken place;
3. Anywhere in warehouses or other buildings at places where unloading or loading is taking place or has taken place;
4. In railway trains anywhere within the customs area;
5. Of persons:
 - (a) Who are travelling to or from the frontier of the customs area;
 - (b) Who are travelling in, from or to a conveyance en route from or to the frontier of the customs area;
 - (c) Who are leaving areas for the storage of dutiable or taxable goods which have not been cleared;
 - (d) Who are at or en route from or to a stopping-place for vessels or a landing field for aircraft engaging in international traffic;
 - (e) Who are found at a place and in circumstances in which the customs authorities can conduct a search under sub-paragraphs 1 to 3 of this article and who are suspected of withholding goods from supervision.

Article 13

If the customs authorities are denied access to a conveyance or to a place or area which, in accordance with articles 10 to 12 and article 49, second paragraph, they are entitled to enter or search, they may obtain access by force.

Article 14

Anyone travelling from or to the frontier, a driver of a conveyance or anyone otherwise present at a place or in circumstances of the kind referred to in articles 11 and 12 shall be required to stop when the customs authorities so request by signalling or any other means. The person concerned shall be required to provide the customs authorities with all the information and assistance which the customs authorities deem necessary for the exercise of supervision. When so requested, they shall also be required to show any goods they may be bringing with them.

...

CHAPTER IV

*Traffic to and from the customs area**Article 21*

The driver shall be required to ensure that the conveyance arriving in the customs area on the way to a place within the realm goes directly to where the customs authorities are stationed unless prior permission to go elsewhere has been received from the customs authorities.

The King may decide that the carriage of goods by land to or from the customs area shall be permitted only on specific routes, and that vessels sailing in the customs area shall follow specific sailing channels.

Article 22

When a conveyance arrives from abroad at a place within the realm, the driver shall be required, in accordance with the requirements of the Customs Act in force to report the arrival to the customs authorities as soon as possible. He shall be required to produce such documents and give such information as may be requested at any time in accordance with the requirements of the Customs Act in force.

Article 27

No one may load goods onto an outward bound vessel without the consent of the customs authorities. An exception shall be made in the case of the products of fishing and maritime hunting taken on board the vessel in the fishing and hunting grounds.

If the goods are loaded without the approval of the customs authorities, the master of the vessel shall be required to unload the goods if the customs authorities find it necessary for the purpose of inspecting the goods or calculating the duty payable.

The King may specify that the provisions contained in the first and second paragraphs shall also apply to other conveyances.

...

CHAPTER XIII

*Entry into force. Repeal and amendment of laws in force**Article 84*

This Act shall enter into force on the date specified by the King. On the same date the Customs Act of 22 June 1928 and the Act of 18 December 1959 concerning frontier customs co-operation with foreign States shall be repealed. The regulations and provisions laid down in pursuance of the aforesaid Acts shall continue in force until they are repealed. If any Act contains a reference to a legal provision which has been superseded by a provision in this Act, the reference shall be considered to apply to the latter.

*(b) CUSTOMS REGULATIONS¹ (1968)**

¹ Entered into force as from 1 February 1968. Established by the Customs Directorate in pursuance of the Customs Act of 10 June 1966, the Royal Resolution of 24 November 1967 and the letter by the Finance Department of the same date.

7. SPAIN

DECREE¹ NO. 2166 OF 16 JULY 1964 BRINGING THE CONTRABAND ACT INTO CONFORMITY WITH THE GENERAL FISCAL ACT**

TEXT OF THE CONTRABAND ACT AS BROUGHT INTO CONFORMITY
WITH THE GENERAL FISCAL ACT

...

TITLE II

*Offences**Sole Chapter*

Article 11. In the case of restricted or prohibited articles or goods, the offence of smuggling shall be considered to have been committed:

...

(10) Where restricted or prohibited articles or goods are brought into any port or locality on the Spanish coast not equipped with customs facilities in a Spanish or foreign vessel of a tonnage less than the minimum permitted by the Regulations even if the cargo is destined for a foreign port, or where the said articles or goods are transported in such a vessel within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances in contravention of the requirements or prohibitions established by regulation;

(11) Where, within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances, restricted or prohibited articles are clandestinely unloaded or trans-shipped from a vessel, even if the vessel is in a port equipped with customs facilities;

(12) Where, irrespective of the tonnage or registry of a vessel, that part of a cargo consisting of restricted or prohibited articles is concealed when a vessel puts into any port or locality on the Spanish coast, whether or not equipped with customs facilities, for a forced call in the legal sense of the term, or where, in similar circumstances, the said articles are not declared in response to a request by the customs authorities or, in default thereof, by a special customs officer or, in default of both the foregoing, by the local authorities.

...

Article 13. In the case of articles of legitimate trade, the offence of smuggling shall be considered to have been committed:

...

(6) Where foreign merchandise is brought into any port or locality on the Spanish coast not equipped with customs facilities in a Spanish or foreign vessel of a tonnage less than the minimum permitted by the Regulations even if the cargo is destined for a foreign port, or where the said merchandise is transported in such a vessel within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances unless the vessel is making a forced call in the legal sense of the term or the transport of the merchandise has been duly authorized;

¹ *Boletín oficial* of 24 July 1964, No. 177, p. 9545.

(7) Where, within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances, foreign or domestic merchandise is clandestinely unloaded or trans-shipped from a vessel even in any port or coastal locality equipped with customs facilities.

8. SWEDEN

(a) CUSTOMS DECREE¹ NO. 391 OF 7 OCTOBER 1927, AS AMENDED BY ROYAL NOTICE² NO. 346 OF 3 JUNE 1966**

His Majesty the King has seen fit to order that articles 1, 145 and 157 of the Customs Decree of 7 October 1927 shall be amended to read as follows:

Article 1

The customs territory of Sweden shall comprise the land areas and the territorial waters of Sweden.

This Notice shall come into force, in so far as article 1 is concerned, on 1 July 1966—on which date Royal Letter³ No. 151 of 4 May 1934 to the General Customs Administration concerning the establishment of the boundaries of the Swedish customs territory shall stand repealed—and in other respects on 15 July 1966.

(b) ROYAL ORDER⁴ NO. 65 OF 3 APRIL 1934 FOR THE EXECUTION OF THE AGREEMENT OF 29 DECEMBER 1933 BETWEEN FINLAND AND SWEDEN FOR A COMMON SURVEILLANCE SERVICE FOR PREVENTING THE ILLICIT IMPORTATION OF ALCOHOLIC BEVERAGES, AS AMENDED BY ROYAL NOTICE⁵ NO. 463 OF 30 JUNE 1960**

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 reefs of Högkallegrund Ostergryndan, Klacken, Gråskälsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnäs-klubb, Håkanskär, Tjärven, Söderarm and Längden, and on the east by straight lines drawn between the reefs of Jernbåden, Sälskär, Malgrunden, Skarven, Yttre

¹ The text of article 1, prior to the amendment, is reproduced in ST/LEG/SER.B/1, p. 96, and in ST/LEG/SER.B/6, p. 246.

² *Svensk författningssamling* 1966, No. 346. See also Act No. 374 of 3 June 1966 and Royal Notice No. 375 of 3 June 1966, *supra* chapter 1 . 42 (b).

³ For the text, see ST/LEG/SER.B/6, p. 248.

⁴ For the text prior to the amendment see ST/LEG/SER.B/6, p. 250.

⁵ *Svensk författningssamling* 1960, No. 463. Came into force on 1 January 1961.

Borgen, Gislán, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågskår, Vittensten, Granbåda and Voronina, and thence by a straight line 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 (I) (d), of the Convention relating to the non-fortification and neutralization of the Åland Islands, signed at Geneva on 20 October 1921, Finnish supervision staff may carry out such inspection of a vessel as is absolutely necessary for the purposes of the supervision and may exercise the same right of seizure as, under the Act concerning the prohibition in certain cases of the importation of alcoholic beverages and the Act concerning penalties for smuggling, is conferred upon Swedish customs officer.

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.

...

(c) NOTICE¹ NO. 13 OF 24 JANUARY 1936 CONCERNING THE AGREEMENT OF 28 OCTOBER 1935 BETWEEN SWEDEN AND DENMARK, AS AMENDED BY ROYAL NOTICE² NO. 464 OF 30 JUNE 1960**

Article 1

Within Swedish and Danish territorial waters in the Sound and certain parts of the Kattegat and the Baltic, namely:

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 (Gilbjergshoved), 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

¹ For the text prior to the amendment, see ST/LEG/SER.B/6, p. 251.

² *Svensk författningssamling* 1960, No. 464.

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 article 1, paragraph 2 (b), and of article 2, paragraph 1, second sub-paragraph, of the Act concerning the prohibition in certain cases of the importation of alcoholic beverages shall not, in respect of cases where the circumstances clearly show that the alcoholic beverages introduced into Swedish territorial waters are not or were not intended to be unlawfully imported into Sweden, apply to the introduction of such beverages into the Swedish territorial waters specified in article 1 unless the circumstances likewise clearly show that the said beverages are not or were not intended to be unlawfully imported into Denmark.

Article 3

Within the Swedish territorial waters specified in article 1 and the waters outside the said territorial waters situated in the zone referred to in the last paragraph of article 1, Danish supervision staff may carry out such inspection of a vessel as is absolutely necessary for the purposes of the relevant supervision and may exercise the same right of seizure as, under the Act concerning the prohibition in certain cases of the importation of alcoholic beverages, as applied in conformity with article 2 above, and under the Act concerning penalties for smuggling, is conferred upon Swedish customs officers.

...

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.

...

- (d) ACT¹ NO. 418 OF 30 JUNE 1960 CONCERNING PENALTIES FOR SMUGGLING, AS AMENDED BY ACT NO. 228 OF 31 MAY 1963 AND BY ACT NO. 215 OF 20 MARCH 1964**

Penalties

Article 1

Any person who, without informing the competent authorities, imports into or exports from Sweden goods in respect of which customs or other public duties are payable to the State or which, as prescribed by law or regulation, may not be imported or exported, shall, in the case of a wilful offence, be guilty of *smuggling* and shall be liable to a daily fine, of not less than ten in number, or to imprisonment for a term of not more than one year. The same shall apply where a person, through misleading statements or conduct in connexion with the customs clearance of goods wilfully causes customs or other public duties to be withheld from the State or goods to be imported or exported contrary to a prohibition to that effect.

...

Article 6

Any person who acquires, transports, hides, keeps or disposes of goods which have been the object of smuggling shall, in the case of a wilful offence, be guilty of *unlawful dealings with smuggled goods* and shall be liable to a daily fine, of not less than ten in number, or to imprisonment for a term of not more than one year.

If the offender did not realize but had reasonable cause to assume that the goods had been the object of smuggling, the penalty shall be a daily fine.

Where an offence as referred to in this article is of trivial importance, no penalty shall be imposed.

Article 7

Where goods are discovered which have been hidden away in such place on a vessel, aircraft or train as is not available for the personal use of the persons travelling thereon and it is apparent from the circumstances that smuggling which cannot be regarded as trivial has been attempted or has taken place, the person in charge of the vessel, aircraft or train shall be guilty of *inadequate supervision over a means of conveyance* and shall be liable to a daily fine unless he is subject to a penalty under some other provision of this Act. If the person in charge of the vessel, aircraft or train has done what could reasonably be expected of him to prevent smuggling, he shall not be subject to any penalty. The foregoing provisions relating to the person in charge of the vessel, aircraft or train shall, where supervision over the means of conveyance, in so far as the matters dealt with here are concerned, be entrusted by

¹ *Svensk författningssamling* 1960, 12 July 1960, p. 1119. Came into force on 1 January 1961. By the Act, as amended, and by Act No. 419 of 30 June 1960 (*infra*), the following legislation has been repealed: Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 248), 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 (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 249), Act No. 234 of 31 May 1935 supplementing the provisions in force concerning the import of alcoholic beverages and wines into Swedish territorial waters (ST/LEG/SER.B/6, p. 250 and ST/LEG/SER.B/8, p. 32).

virtue of written instructions or in some similar manner to another person of supervisory rank, apply instead to such person.

...

Forfeiture

Article 9

Goods which have been the object of smuggling or of an attempt to smuggle shall, together with the packing and receptacles in which they are contained, be declared forfeited to the Crown; if the goods are no longer intact, the value thereof shall instead be declared forfeited. If the aforementioned penalty is clearly unreasonable, it may be remitted in whole or in part.

The provisions of the first paragraph shall not apply to any person who acquired the goods or title thereto in good faith.

Article 10

Anything which is used for the purposes of smuggling, an attempt to smuggle or unlawful dealings with smuggled goods may, if the owner or any person acting in his stead wilfully committed the offence or wilfully participated in the commission thereof, be declared, in its entirety or in part, to be forfeited to the Crown if such action is necessary for preventing an offence as aforesaid or if there are other special reasons for taking such action and it is not clearly unreasonable; if the goods are no longer intact, all or part of the value thereof may instead be declared forfeited. The foregoing provisions shall not, however, apply to any person who acquired the goods or title thereto in good faith. In lieu of forfeiture, the court may prescribe measures to prevent improper use of the goods.

Article 11

Where a declaration of forfeiture concerns a vessel which is encumbered by a maritime lien or a mortgage, or an aircraft encumbered by an aircraft lien or mortgage, the court may also declare that the lien on the forfeited property shall cease. Where, in other cases, it appears that a person's interest in an object which has been declared forfeited should subsist despite the declaration of forfeiture, the court shall make a reservation to that effect.

...

Procedure in certain cases of forfeiture

Article 20

Where a matter concerns the forfeiture of property other than transport equipment and the owner is not known or does not have any known address in Sweden or it is otherwise impossible for service to be effected in Sweden in accordance with the procedure for the service of process in criminal proceedings, then proceedings for forfeiture of the property may be instituted against the carrier or other person in possession of the seized property if process can be served on him.

Article 21

If it is impossible for any person to be prosecuted for an offence which results in the seizure of property by virtue of this Act, the prosecutor, where the matter concerns only property other than transport equipment and the value of the property is estimated at less than 500 kronor, may, in lieu of instituting judicial proceedings for forfeiture of the property, issue an order in writing to the effect that the seizure shall remain in effect until further notice; the property shall in such case be forfeited if, within one month after the order was issued, the owner or other person claiming an interest in the property fails to give notice to the prosecutor of an appeal against the seizure.

If notice of appeal is given but it appears that the seizure should not be terminated, the prosecutor shall institute judicial proceedings and petition the court to declare the property forfeited. If proceedings are not instituted within one month after the said notice has been given, the seizure shall terminate.

Where an order has been issued as provided in the first paragraph and criminal proceedings in respect of the offence which gave rise to the seizure are instituted before the question of the forfeiture of the property has been decided in accordance with the foregoing provisions, the question of the forfeiture of the property shall, instead, be considered in conjunction with the criminal proceedings, and the measures taken by virtue of the first and second paragraphs shall in consequence lapse.

...

(e) ACT¹ NO. 419 OF 30 JUNE 1960 CONCERNING THE PROHIBITION IN CERTAIN CASES OF THE IMPORT OF ALCOHOLIC BEVERAGES**

Article 1

1. Alcoholic beverages may not be imported into Swedish territorial waters from an international or foreign area in vessels of less than 500 tons net tonnage.

In special circumstances the King may likewise prohibit such importation into a specified area of Swedish territorial waters in vessels exceeding the aforementioned net tonnage.

2. The prohibition set forth in paragraph 1 shall not prevent the importation into Swedish territorial waters of alcoholic beverages:

(a) If the beverages are part of the stores of the vessel in which they are transported, or the property of passengers on the vessel or of persons employed thereon, and are shown not to exceed the amount required for the voyage, or if they may be introduced by a passenger into Sweden for his personal use in accordance with the regulations in force; and

¹ *Svensk författningssamling* 1960, 12 July 1960, p. 1125. Came into force on 1 January 1961. By this Act and by Act No. 418 of 30 June 1960 (*supra*), the following Acts were repealed: Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 248), 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 (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 249), Act No. 234 of 31 May 1935 supplementing the provisions in force concerning the import of alcoholic beverages and wines into Swedish territorial waters (ST/LEG/SER.B/1, p. 97, ST/LEG/SER.B/6, p. 250 and ST/LEG/SER.B/8, p. 32).

(b) In transit without unnecessary stops through the Sound between Cape Falsterbo and Kullen light from an international or foreign area to another such area if the circumstances clearly show no intention to import the beverages illegally into Sweden; provided that navigation shall be prohibited in waters situated within one half kilometre of the Swedish coast.

3. The General Customs Administration may in special cases waive the prohibition referred to in this article.

Article 2

1. Persons violating the prohibition referred to in article 1 shall be regarded as guilty of smuggling under the Act concerning penalties for smuggling.

If, however, the circumstances clearly show no intention to import the beverages illegally into Sweden, the penalty of forfeiture shall be barred.

If it is shown that the vessel in which the beverages were transported was compelled by a peril of the sea to enter and remain in Swedish territorial waters in order that the ship, cargo or human life might be saved, the defendant shall not incur any penalty.

2. Prosecutions for the offence referred to in paragraph 1 may not be instituted except with the leave of the General Customs Administration.

Article 3

1. Customs officers, when so required in the course of their duty, may carry out such inspection of a vessel as may be necessary to ascertain whether alcoholic beverages are being transported in the vessel in violation of the prohibition referred to in article 1.

2. If a chief customs or coastguard officer has found it necessary, because of suspected illegal importation of alcoholic beverages, to place a special customs guard on a vessel of less than 500 tons net tonnage arriving from or departing for a foreign port, he may, if beverages carried on board the vessel during the voyage are seized, 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 in accordance with the procedure prescribed for the remuneration of such services.

Article 4¹

If alcoholic beverages have been introduced in a vessel of less than 500 tons net tonnage into waters situated outside the limits of Swedish territorial waters

¹ In accordance with the information supplied by the Permanent Mission of Sweden to the United Nations in its memorandum of 29 February 1968, the following notices are applicable to article 4:

(a) Royal Notice No. 464 of 27 November 1925 concerning the entry into force of 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* (*Svensk författningssamling* 1925, No. 464).

(b) Royal Notice No. 206 of 11 June 1926 concerning the application to vessels of Danish nationality of Act No. 463 of 27 November 1925 extending the application of Act

but within twelve nautical miles of the Swedish coast or of the outermost skerries 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 illegal importation of such beverages into Sweden, the offence of illegal importation into Swedish territorial waters within the meaning of article 1 shall be deemed to have been committed.

In frontier waters having a breadth of less than twenty-four nautical miles, the boundary of the waters referred to in the first paragraph shall be deemed to coincide with the mid-line or with the boundary line established by agreement, custom or otherwise.

The provisions of this article shall not apply to vessels of a foreign nationality unless the King orders that the article shall apply to vessels of that nationality.

Article 5

The provisions of article 1, paragraph 2 (b), and of article 2, paragraph 1, second sub-paragraph, which apply to cases where the circumstances clearly show that alcoholic beverages introduced into Swedish territorial waters are not or were not intended to be illegally imported into Sweden, shall, to the extent that the King may so order, not apply to the introduction of such beverages into an area within the territorial waters in respect of which an agreement has been made with a foreign State for common supervision in order to prevent the illegal import of alcoholic liquors unless the circumstances likewise clearly show that the beverages are not or were not intended to be illegally imported into the State with which the agreement was concluded.

(f) ROYAL NOTICE¹ No. 383 OF 3 JUNE 1966 CONCERNING THE REPEAL OF ROYAL ORDER² 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 Order of 29 April 1932 respecting the boundaries of the Swedish customs area in the Sound shall cease to have effect as from the end of June 1966.

...

No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines* (*ibid.*, 1926, No. 206).

(c) Royal Notice No. 375 of 13 July 1926 concerning the application to vessels of Estonian nationality of 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* (*ibid.*, No. 375).

(d) Royal Notice No. 344 of 26 August 1927 concerning the application to vessels of Polish and of Dantzig and German nationality of 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* (*ibid.*, 1927, No. 344).

(e) Royal Order No. 290 of 19 September 1929 respecting the application to vessels of Lithuanian and Soviet Nationality of the Act of 27 November 1925, extending the application of the Act of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (for the text, see ST/LEG/SER.B/1, p. 97).

¹ *Svensk författningssamling* 1966, No. 383.

² For the text, see ST/LEG/SER.B/6, p. 247.

9. UNION OF SOVIET SOCIALIST REPUBLICS

(a) CUSTOMS CODE¹ OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

...

CHAPTER II

Customs control in respect of water transport

Article 21. Foreign vessels arriving in port to load or discharge cargo or for other reasons shall be under customs control during the entire time that they are lying in port.

The customs office shall be entitled, during the entire time that a vessel is lying in port, to inspect the vessel and to seal, or apply a seal to such areas of the vessel as contain cargo the import or export of which is prohibited or other articles not permitted to be landed.

Article 22. It shall be unlawful for any articles to be transferred in either direction between the vessel and the shore or other vessels without the permission of the customs office.

This provision shall not apply to unloading or hoisting equipment, to equipment to protect the cargo from damage, or to rigging, in cases when such equipment and rigging are necessary to prevent loss or damage to the vessel or cargo.

Article 23. If, as a result of damage, the presence of ice or other circumstances in the nature of *force majeure*, the vessel is unable to reach a place where a customs office and a frontier-crossing point are situated, cargo may be discharged from the vessel at places where there is no customs office.

...

Article 32. The consent of the customs office shall not be required for the temporary departure of a vessel from port as a result of storms, of conditions of the ebb and flow of the tide or of other circumstances in the nature of *force majeure*.

Article 33. The customs office shall consent to the departure of a vessel from port on payment by the master of all charges due or upon the submission by him of a commitment in writing from solvent organizations or persons to pay the amounts due.

In the event of non-payment of such amounts or of failure to provide the corresponding security, the customs office shall order the port to detain the vessel.

...

Article 35. Military vessels shall not be subject to customs inspection.

For the purposes of this Code, the term "military vessel" means any ship or auxiliary vessel sailing under a military or frontier-service flag, commanded by a

¹ Confirmed by the Decree of 5 May 1964 of the Presidium of the Supreme Soviet of the USSR. For the relevant provisions of 1928 Customs Code, see ST/LEG/SER.B/6, p. 271.

person in military service and manned by a military crew, and also any vessel which by special declaration of the Ministry of Defence of the USSR is performing duties of an operational military nature.

The commanding officer of a military vessel shall be responsible for observing the provisions of this Code.

Article 36. The provisions of article 35 of this Code shall also apply to foreign military vessels on the occasion of visits to ports of the USSR.

(b) EXCERPTS¹ FROM THE REGULATIONS CONCERNING THE CUSTOMS CONTROL OF FOREIGN-GOING VESSELS AND THEIR CARGOES**

1. Foreign-going vessels of the merchant marine shall be permitted to enter ports where there are customs offices.

2. Vessels coming within reception range of a coastal radio station shall comply with the international regulations in force pertaining to radio communication, and foreign vessels shall in this regard comply with the regulations concerning the use of radio equipment on foreign vessels during their stay in USSR waters.

3. On the approaches to ports where provision has been made for the pilotage of vessels, foreign vessels shall be required to take on a pilot.

4. Vessels coming from abroad shall raise the quarantine flag when approaching ports.

Until the quarantine flag is lowered, no one, with the exception of the pilot and medical personnel, shall be permitted to board the vessel.

If, upon completion of a sanitary inspection of the vessel, sanitary conditions on the vessel are found to be satisfactory, a clearance shall be issued to the master of the vessel. In the contrary event, sanitary measures shall be taken with respect to the vessel in accordance with the relevant regulations in force.

Upon completion of the sanitary inspection and the admission of the vessel to pratique, the master of the vessel shall order the lowering of the quarantine flag.

Radio stations in the ports of Leningrad, Murmansk, Arkhangelsk, Odessa, Novorossiisk, Tuapse, Poti, Batumi and Nakhodka shall receive quarantine communications sent by vessels bound for these ports which are made in the form prescribed by the International Code of Signals. The sending of such communications shall not be obligatory.

Such communications, if they are sent, shall be addressed to the port sanitary service; they must be dispatched not earlier than twelve hours and not later than five hours before the arrival of the vessel in port. The name of the vessel must be in clear, but the remainder of the message may be sent in the code groups of the International Code of Signals.

Without prejudice to the regulations in force concerning the reception of foreign-going vessels, the purpose of sending quarantine communications shall be to facilitate and expedite the application of such sanitary measures as may be necessary in each specific case.

¹ *Notices to Mariners*, USSR, Ministry of Defence, Administration for Hydrography, vol. 1, 1 January 1967, No. 11.

5. The procedure for visits by the local authorities (sanitary, customs, port and other) to each particular vessel shall be laid down in special regulations.

Before the commencement of the customs inspection, the master of the vessel shall complete a "Statement by the master of the vessel" and shall attach thereto:

(a) The manifest, the available bills of lading and other documents relating to the cargo being transported;

(b) The passenger list and a list containing the given names and surnames of all other persons aboard the vessel other than crew members;

(c) The crew list;

(d) An inventory of the ship's provisions, supplies and equipment, and a list of effects belonging to the master and to other members of the crew;

(e) Other ship's documents, at the request of the customs office.

6. Customs inspection shall be carried out in accordance with the Customs control regulations for the admission of foreign-going vessels and their cargoes.

After the inspection of the vessel, the customs office shall, as may be required, seal or affix seals to such areas as contain cargo and articles which are intended for other ports and are not permitted to be landed. If such areas contain cargo intended for the port in question, the sealing or affixing of seals to those areas shall be done after the goods intended for the said port have been unloaded.

No one shall be allowed to enter or to leave the vessel until the customs inspection is completed.

7. Vessels arriving from abroad may not hold any intercourse with the shore until permission for that purpose has been granted by the local authorities.

Weapons, explosives, narcotics and similar substances carried on foreign vessels shall be sealed by the customs authorities.

The unloading of vessels arriving from abroad shall be carried out with the permission and under the supervision of the customs office.

8. Before the commencement of the formalities for the outward clearance of a vessel for a foreign destination, the master of the vessel must submit the appropriate documents to the customs office.

9. Foreign-going vessels arriving in a port whether for the purpose of taking in or discharging cargo or for other purposes shall be under the control of the customs authorities for the entire duration of their stay in the port.

The masters of arriving vessels must comply with all port and customs regulations.

10. The masters of vessels arriving in port shall report to the commercial Port Administration all cases of damage, accidents and similar events.

If a shipment intended for a USSR port does not reach the port because of damage, the master of the vessel shall submit a written statement containing a copy of the ship's protest to the customs office.

11. All information concerning the condition of buoys, light-houses, etc., the pilotage service and radio stations serving the needs of navigation shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

10. UNITED KINGDOM

FALKLAND ISLANDS

(a) CUSTOMS (AMENDMENT) ORDINANCE, 1959 (No. 1 of 1959)*

(b) CUSTOMS (AMENDMENT) ORDINANCE, 1959 (No. 21 of 1959)*

VIRGIN ISLANDS

TREASURY ORDINANCE¹ (CHAPTER 186)

...

2. *Interpretation*

In this Ordinance—

...

“foreign vessel” means any vessel belonging to a port outside the Colony;

...

“vessel” includes every description of ship, vessel, boat or canoe;

...

37. *Power to Treasurer to stop and search any vessel within 3 miles of Colony*

It shall be lawful for the Treasurer at any time to board and search any vessel coming within three miles of the Colony.

38. *Power to Treasurer to seize and secure smuggled goods, etc.*

It shall be lawful for the Treasurer to seize and secure all uncustomed, forfeited or smuggled goods together with the vessel, cart or conveyance in which the same are contained, and the horses or other animals, tackle, apparel and other things belonging or attached thereto.

¹ Revised edition of the Laws Ordinance, 1959.

Chapter V¹
CRIMINAL AND CIVIL JURISDICTION
OVER FOREIGN SHIPS IN THE TERRITORIAL SEA

1. AUSTRALIA

NAVIGATION ACT 1912-1967
(No. 60 of 1967; 18 September 1967) Parts IX and X²

STATES OF AUSTRALIA

QUEENSLAND

Queensland Marine Act, 1958 to 1963
(No. 1 of 1963; 17 January 1963) section 231³

2. CANADA

(a) CRIMINAL CODE (26 June 1954) AS AMENDED⁴

...

420(1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on the territorial sea of Canada or on internal waters between the territorial sea and the coast of Canada, 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 jurisdiction 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.

¹ For the text relating to the jurisdiction over the continental shelf, ships on the high seas and fisheries, see also *infra* DIVISIONS II, III and IV, respectively.

² See *supra* Chapter II, 2 (a).

³ *Ibid.*, 2, *States of Australia*, Queensland.

⁴ 1953-1954, S.C., Chap 51, as amended by 1964 S.C. Chap. 22. Except the above provisions, the text reproduced in ST/LEG/SER.B/8, pp. 85-87 remains unchanged.

(2) 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) AERONAUTICS ACT, AS AMENDED¹

(c) CANADA SHIPPING ACT, AS AMENDED, section 693²

(d) FOREIGN ENLISTMENT ACT, 1952³

(e) ADMIRALTY ACT, 1952⁴

(f) CANADA PRIZE ACT, 1954⁵

3. CYPRUS

CRIMINAL CODE, CHAPTER 154 OF THE LAWS (1959 EDITION)

...

5. *Extent of the jurisdiction of the Courts of the Colony*

The jurisdiction of the Courts of the Colony for the purposes of this Law extends to every place within the Colony or within three miles⁶ of the coast thereof measured from low-water mark.

...

4. DAHOMEY

LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINs TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY, articles 3-9⁷

¹ R.S.C. 1952, Chap. 2. *Infra* DIVISION III. 3 (d).

² *Supra* Chapter II, 3 (a).

³ *Supra* Chapter II, 2.

⁴ 1952 R.S.C. Chap. 1. The text reproduced in ST/LEG/SER.B/6, pp. 322-324 remained unchanged.

⁵ The text of the Act reproduced in ST/LEG/SER.B/6, pp.325-327 remained unchanged.

⁶ The territorial sea of the Republic was extended to a distance of twelve miles by the Territorial Sea Law of 1964, see *supra* Chapter I, 10 (b).

⁷ Voir *infra* DIVISION IV. 7 (a).

5. DENMARK

CIVIL PENAL CODE¹, AS AMENDED AND AS PUBLISHED IN THE CONSOLIDATED ACT
NO. 276 OF 30 JUNE 1965*

6. FRANCE

- (a) ORDONNANCE N° 58-1297 DU 23 DÉCEMBRE 1958 MODIFIANT CERTAINES PEINES EN VUE D'ÉLEVER LA COMPÉTENCE DES TRIBUNAUX DE POLICE, article 27²
- (b) LOI N° 64-438 DU 25 MAI 1964 CONCERNANT LA PROCÉDURE APPLICABLE EN CAS D'INFRACTION À LA LOI DU 1^{er} MARS 1888 RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES^{3*}
- (c) INSTRUCTION DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER, articles 1-3⁴
- (d) LOI N° 66-400 DU 18 JUIN 1966 SUR L'EXERCICE DE LA PÊCHE MARITIME ET L'EXPLOITATION DES PRODUITS DE LA MER DANS LES TERRES AUSTRALES ET ANTARCTIQUES FRANÇAISES, article 11⁵

7. IRAN

IRANIAN MARITIME CODE⁶ OF 1964*

8. IRELAND

MARITIME JURISDICTION ACT, 1959, sections 9-14⁷

¹ Article 6 reproduced in ST/LEG/SER.B/6, p. 335 remains unchanged.

² *Infra*, DIVISION IV. 11 (a).

³ *Ibid.* (e).

⁴ Voir *supra* Chapter I, 15 (b).

⁵ Voir *infra* DIVISION IV. 11 (f).

⁶ Approved in Mordad 1343 (23 July to 23 August 1964). Article 200 of the Code of Criminal Procedure, 9 Ramazan 1330 (July 1912) reproduced in ST/LEG/SER.B/2, p. 65 remains in force.

⁷ *Supra* Chapter I, 23 (a).

9. MADAGASCAR

LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME¹

ANNEXE II. — CODE MARITIME

DISPOSITIONS PRÉLIMINAIRES

I. Le présent Code est applicable, sauf disposition contraire, à tout navire et à toute navigation maritime lorsque la loi malgache est compétente.

II. La loi malgache régit le statut administratif et le statut réel des navires immatriculés à Madagascar, dits navires malgaches.

Elle définit les attributions des capitaines des navires malgaches.

III. En haute mer, les navires malgaches sont considérés comme territoire malgache.

IV. En cas d'abordage soit en haute mer, soit dans des eaux territoriales étrangères, la loi malgache est applicable lorsque l'un des navires intéressés est un navire malgache.

V. La loi malgache régit le contrat d'engagement des gens de mer de toute nationalité à bord des navires malgaches.

VI. En matière de transports, la loi malgache régit, sauf convention contraire des parties, la conclusion des contrats formés sur le territoire malgache et l'exécution des contrats qui intéressent une partie malgache.

Elle définit les diligences des destinataires lorsque la livraison doit être faite sur le territoire malgache.

VII. La loi malgache est applicable aux infractions de toute nature, actes d'assistance ou de sauvetage, naufrages ou autres sinistres, récupérations d'épaves et, plus généralement, à toute situation, événement ou acte constaté ou accompli entièrement ou partiellement soit dans les eaux territoriales malgaches, soit à bord des navires malgaches.

VIII. Sous réserve de dispositions contraires, les règles du présent Code s'appliquent à tous les bâtiments de mer affectés à des activités de plaisance, de pêche ou de commerce, quelle que soit la personnalité juridique de droit privé ou de droit public du propriétaire ou de l'armateur.

¹ *Journal officiel*, N° 487, du 16 juillet 1966, p. 1484, et *ibid.*, N° 105, du 25 juin 1960, p. 1065.

10. MAURITANIA

LOI N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHE MARITIMES, MODIFIÉE¹

...

LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

Chapitre premier. — Dispositions générales

Article premier. — Sont soumis aux dispositions du présent livre :

1. Les navires mauritaniens;
2. Les personnes, de quelque nationalité qu'elles soient, embarquées à bord des navires mauritaniens: soit comme membres de l'équipage, pendant la durée de leur embarquement; soit comme passagers, pendant la durée de leur présence à bord.
3. Les personnes qui, bien que non embarquées à bord d'un navire mauritanien, ont commis une des infractions prévues au présent livre, quelle que soit leur nationalité.
4. Les navires étrangers, leurs équipages et leurs passagers dans les cas prévus expressément par le présent livre.

Chapitre III². — Des délits maritimes et crimes maritimes

Énumération

...

B. — Délits et crimes concernant la police de la navigation

Article 25. — Toute personne, même étrangère, embarquée sur un navire mauritanien ou étranger, qui, dans les eaux maritimes et jusqu'à la limite des eaux territoriales, ne se conforme pas aux règlements ou aux ordres émanant de l'autorité maritime et relatifs, soit à la police des eaux et rades, soit à la police de la navigation maritime, soit à la sécurité de la navigation, est punie d'un emprisonnement de dix jours à six mois et d'une amende de 25.000 à 250.000 francs ou de l'une de ces deux peines seulement.

La même peine est encourue par toute personne embarquée sur un navire mauritanien qui, hors des eaux territoriales mauritaniennes, ne se conforme pas aux ordres régulièrement donnés par l'autorité maritime ou par le commandant d'un bâtiment de guerre de la République islamique de Mauritanie.

Si les infractions au présent article sont commises en temps de guerre, la peine peut être triplée.

...

¹ *Supra* Chapter II, (12).

² Pour le Chapitre IV – Des délits en matière de pêche maritime, voir *infra* DIVISION IV. 20 (a).

C. — Délits et crimes nautiques

Article 49. — Toute personne qui échoue, perd ou détruit volontairement et dans une intention criminelle un navire quelconque, par quelque moyen que ce soit, est punie des peines prévues par les articles 434 et 435 du Code pénal.

Le maximum de la peine est appliqué au délinquant qui est chargé, à quelque titre que ce soit, de la conduite du navire ou qui le dirige comme pilote.

II. NIGERIA

(a) MERCHANT SHIPPING ACT, 1962 (No. 30 of 1962) sections 397 and 398¹

(b) TERRITORIAL WATERS DECREE² 1967 (No. 5 of 8 March 1967)

...

2. *Jurisdiction in respect of offences committed in territorial waters*

(1) Any act or omission which—

(a) is committed within the territorial waters of Nigeria, whether by a citizen of Nigeria or a foreigner; and

(b) would, if committed in any part of Nigeria, constitute an offence under the law in force in that part, shall be an offence under that law, and the person who committed it may, subject to section 3 of this Decree, be arrested, tried and punished for it as if he had committed it in that part of Nigeria.

(2) The foregoing subsection—

(a) shall apply whether or not the act or omission in question is committed on board or by means of a ship or in, on or by means of a structure resting on the sea-bed or subsoil; and

(b) in the case of an act or omission committed by a foreigner on board or by means of a foreign ship, shall apply notwithstanding that the ship is a foreign one.

(3) For the purposes of the issue of a warrant for the arrest of any person who is by virtue of this section liable to be tried in some part of Nigeria for an offence, that offence may be treated as having been committed in any place in that part.

(4) Any jurisdiction conferred on any court by this section shall be without prejudice to any jurisdiction (and in particular any jurisdiction to try acts of piracy as defined by the law of nations) exercisable apart from this section by that or any other court.

¹ See *supra* Chapter II, 14.

² For the text of the Decree, see *supra* Chapter I, (32).

(5) Nothing in this section shall be construed as derogating from the jurisdiction possessed by Nigeria under the law of nations, whether in relation to foreign ships or persons on board such ships or otherwise.

(6) In this section—

“foreigner” means a person who is not a citizen of Nigeria;

“foreign ship” means a ship of any country other than Nigeria;

“ship” includes floating craft and floating structures of every description.

3. *Restriction on trial of persons other than Nigerian citizens for offences committed in territorial waters*

(1) Subject to the provisions of this section, a Nigerian court shall not try a person who is not a citizen of Nigeria for any offence committed on the open sea within the territorial waters of Nigeria unless before the trial the Attorney-General of the Federation has issued a certificate signifying his consent to the trial of that person for that offence.

(2) Nothing in subsection (1) above—

(a) shall affect any power of arrest, search, entry, seizure or custody exercisable with respect to an offence which has been, or is believed to have been, committed as aforesaid;

(b) shall affect any obligation on any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence;

(c) shall affect any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence;

(d) shall affect anything done or omitted in the course of a trial unless in the course of the trial objection has already been made that, by reason of subsection (1) above, the court is not competent to proceed with the trial; or

(e) shall, after the conclusion of a trial, be treated as having affected the validity of the trial if no such objection as aforesaid was made in the proceedings at any stage before the conclusion of the trial.

(3) Subsection (1) above shall not apply to the trial of any act of piracy as defined by the law of nations.

(4) A document purporting to be a certificate issued for the purposes of subsection (1) above and to be signed by the Attorney-General of the Federation shall be received in evidence and shall, unless the contrary is proved, be taken to be a certificate issued by the said Attorney-General.

(5) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(6) In this section “offence” means any act or omission which by virtue of section 2 of this Decree or any other enactment is an offence under the law of Nigeria or any part thereof.

...

(c) SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 29 September 1961) section 13¹

¹ *Infra* DIVISION IV. 24.

12. NORWAY

GENERAL PENAL CODE OF 22 MAY 1902, AS AMENDED, article 12¹

13. SIERRA LEONE

TERRITORIAL WATERS JURISDICTION ACT, 1878²

...

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. 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 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.

...

7. 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 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;

...

"Foreign ship" means any ship which is not a British ship.

14. SPAIN

ACT OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS, articles 57 and 61³

¹ *Infra* DIVISION III. 19 (a).

² *Laws of Sierra Leone*, Vol. VIII, p. 2325.

³ *Infra* DIVISION II. 40 (a).

15. SWEDEN

- (a) MARITIME LAW OF 12 JUNE 1891, AS AMENDED BY ACT NO. 720 OF 19 NOVEMBER 1965 AND ACT NO. 48 OF 24 FEBRUARY 1967, articles 323-332¹
- (b) EXTRADITION ACT OF 6 DECEMBER 1957, article 3²
- (c) ACT OF 5 JUNE 1959 CONCERNING EXTRADITION FOR THE COMMISSION OF AN OFFENCE TO DENMARK, FINLAND, ICELAND AND NORWAY, article 2³
- (d) PENAL CODE OF 21 DECEMBER 1962, part one, chapter 2, articles 1-7⁴

16. VENEZUELA

NATIONAL CONSTITUTION OF 23 JANUARY 1961, Chapter II (The Territory and its Political Divisions), article 7

The national territory is that which, before the political transformation initiated in 1810, corresponded to the Captainship-General of Venezuela, with the modifications resulting from the treaties validly contracted by the Republic.

Sovereignty, authority and vigilance over the territorial sea, the contiguous maritime zone, the continental shelf and the air space and the ownership and development of the wealth and resources contained therein shall be exercised to the extent and under the conditions of the law.

¹ *Supra* Chapter II, 18 (a).

² *Infra* DIVISION III, 22 (e).

³ *Ibid.* (g).

⁴ *Ibid.* (j).

Chapter VI
STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA

1. AUSTRALIA

- (a) QUARANTINE ACT 1908-1961 (No. 61 of 1961; 24 October 1961), section 14¹
- (b) NAVIGATION ACT 1912-1967 (No. 60 of 1967, 18 September 1967), section 3²

STATES OF AUSTRALIA

QUEENSLAND

Queensland Marine Acts, 1958 to 1967 (No. 1 of 1967, 2 March 1967), sections 6 and 162³

TASMANIA

Marine Act 1921-1967 (No. 57 of 1967; 7 December 1967), section 4⁴

2. DOMINICAN REPUBLIC

ACT No. 366 OF 1 OCTOBER 1968 GOVERNING THE ARRIVAL AND SOJOURN OF
WARSHIPS AND MILITARY AND NAVAL AIRCRAFT IN DOMINICAN PORTS, AIRPORTS
AND TERRITORIAL WATERS IN TIME OF PEACE**

Article 1. For the purposes of this Act the expression “warships and military and naval aircraft” shall be understood to include not only vessels designated as such but also vessels of all kinds belonging to foreign navies and air forces.

¹ *Supra* Chapter IV, 1.

² *Supra* Chapter II, 2 (a).

³ *Supra* Chapter II, 2, *States of Australia*, Queensland.

⁴ *Supra* Chapter II, 2, *States of Australia*, Tasmania.

Article 2. Visits made by foreign warships and military and naval aircraft to ports, airports and territorial waters of the Dominican Republic in time of peace shall be regarded as:

- (a) Formal;
- (b) Informal;
- (c) Operational.

Visits shall be considered formal if important members of foreign Governments are on board, if the foreign Government designates them as such, or if they are made at the invitation of the Dominican Government for the purpose of participating in national or special honour-rendering ceremonies.

Visits shall be considered informal if made for the purpose of participating in local ceremonies, in which formalities are limited to ceremonial honours and to the exchange of courtesy visits with the local naval or air authorities. Formalities and courtesy visits shall be kept to the absolute minimum.

Operational visits shall be those made primarily for the purpose of logistical requirements, repairs, the transport of personnel and equipment, combined exercises, the testing of equipment, recreation, or transit through waters or air-space under Dominican jurisdiction, or for any other purpose connected with operational assignments.

Article 3. Authorizations to make formal or informal visits shall be requested from the Secretary of State for Foreign Affairs through the diplomatic channel not less than four (4) weeks before the date of arrival. For operational visits such notice shall be given at least two (2) weeks in advance. Until the appropriate authorization is granted, foreign warships and military aircraft shall not enter or remain in Dominican ports, airports or territorial waters.

...

Article 4. Warships and military aircraft shall not be required to give notice of their arrival in advance if they are forced by damage, bad weather or any other reason of *force majeure* to enter Dominican territorial waters or air-space, or if they belong to a country which has a special agreement with the Dominican Republic on the subject.

Warships and military aircraft which, for any of the reasons mentioned in the preceding paragraph, do not give advance notice of their entry into Dominican waters or air-space, shall notify the Naval Chief of Staff or the Chief of Staff of the Dominican Air Force as soon as possible.

Article 5. In the case of formal and informal visits, not more than three (3) warships or military aircraft belonging to one and the same nation shall be present simultaneously in Dominican territorial waters, air-space, ports or airports without special authorization by the Government.

Ships or aircraft on formal visits shall remain not longer than fifteen (15) days in the same port or airport, and in the case of vessels, not longer than twenty (20) days in the territorial waters of the Republic. A special permit from the Government shall be required for a longer stay.

The foregoing provisions shall not apply to ships or aircraft having on

board or serving as escort to heads of State, members of reigning dynasties and their suite or diplomatic agents accredited to the Government of the Republic.

Ships or aircraft on informal or operational visits shall not remain longer than five (5) days in the same port or airport or more than fifteen (15) days in Dominican territorial waters.

Article 6. When a foreign warship or military aircraft arrives at a Dominican port or airport, the competent authority shall specify the anchorage, berth or other place in which it is to stay; it shall not change its position without authorization except in case of *force majeure* or if this is necessary for the immediate safety of the ship or aircraft, and it shall comply with the rules laid down by the naval, air force, customs and health authorities.

Article 7. Foreign warships and military aircraft shall be allowed to remain in the Republic only if they comply with the following requirements:

(a) They shall not travel in Dominican territorial waters or air-space with their lights extinguished;

(b) No sketches or maps of land areas may be made and no soundings may be taken other than those needed for navigation;

(c) Submarines shall not be permitted to travel submerged or to dive in waters under Dominican jurisdiction or in national ports;

(d) Vessels shall apply to the naval authorities for a pilot to navigate them within the ports and territorial waters of the Republic;

(e) No death sentence may be carried out;

(f) On entering Dominican territorial waters vessels shall be obliged to hoist their national flag;

(g) They shall be forbidden to land armed personnel or troops of their complement, save in exceptional cases when so agreed for certain ceremonies; in such cases they shall obtain authorization from the Dominican Government through the local naval or air force authorities;

(h) Vessels shall be forbidden to carry out diving operations within the limits of Dominican territorial waters and ports; for that purpose the authorization of the Dominican Government shall be required;

(i) Ship's boats operating in ports and territorial waters shall not be armed;

(j) If vessels are forced to lie in any anchorage or uninhabited bay where there are no maritime authorities, they shall be required to report the fact immediately to the naval authority responsible for that area; likewise, they shall notify the authority before weighing anchor. If they wish to land personnel or any object they shall request authorization beforehand from the same authority, stating the reason. In no event shall they remain in such places for longer than twenty-four (24) hours, unless damage has occurred which makes navigation impossible;

(k) Before landing unarmed patrols for the supervision and control of personnel on liberty they shall apply for authorization and make arrangements with the local naval and air force authorities for that duty to be performed in co-operation with Dominican military personnel to be provided by those authorities;

(l) While within Dominican territorial waters and air-space, they shall be

forbidden to carry out military exercises such as: artillery practice, searchlight exercises, the launching of torpedos, the releasing of bombs, amphibious operations, mine-laying, anti-aircraft practice, smoke-screens and any other military manœuvres, without the previous consent of the Dominican Government;

(*m*) They shall be forbidden to carry out hydrographic or geodesic operations or to place any kind of installations on land or in the water without obtaining a special permit from the Dominican Government.

Article 8. Requests from foreign warships and military aircraft to use their radio equipment for communications while they are in the ports, airports and territorial waters of the Dominican Republic shall be submitted through the diplomatic channel to the Secretary of State for Foreign Affairs; this official shall determine whether the said request is compatible with the Telecommunications Act of the Republic. Even if the request has not been submitted together with the notification of the visit, it may be made directly to the local naval or air force authority.

Article 9. The use of radiocommunications by foreign warships and military aircraft in the ports, airports and territorial waters of the Republic shall be permitted subject to the following restrictions:

(*a*) The use of radio equipment shall not interfere with the normal operation of other radio services;

(*b*) Transmission shall be suspended immediately at the request of a governmental, military or naval station;

(*c*) The 600-metre wave-length shall not be used except to transmit or answer distress signals;

(*d*) The frequencies used shall be those allotted for the use of mobile stations by the international regulations in force; and

(*e*) To enter into communication with the Dominican authorities, foreign warships and military aircraft shall establish contact with the radio stations of the Dominican Republic enumerated in the List of Fixed and Mobile Stations published by the International Telecommunication Union.

Article 10. The port of Santo Domingo is the only port in the Dominican Republic where a gun salute is given. Visiting ships shall time their salvos to finish as the ship draws level with the landfall buoy of the port, and shall be answered by the naval base "27 de Febrero" of the Dominican navy, situated on the east bank of the River Ozama.

Article 11. If a vessel or aircraft fails to comply with the provisions in the foregoing articles, the senior local naval or air force authority shall draw the attention of the captain concerned to his duty to comply with them. If this is of no avail, the Secretary of State for the Armed Forces may order that the ship or aircraft be called upon to leave the port, airport or Dominican territorial waters within six (6) hours following the time of notification.

3. KUWAIT

KUWAIT MARITIME DECREE NO. 3 OF 1959, article 61¹

4. NIGERIA

MERCHANT SHIPPING ACT 1962 (No. 30 of 1962), section 423²

5. NORWAY

REGULATIONS CONCERNING MANŒUVRING RULES FOR SUBMARINES, SURFACE VESSELS AND SEAPLANES ON THE WATER WHEN APPROACHING EACH OTHER AND CONCERNING SPECIAL ARRANGEMENTS FOR THE SHOWING OF LIGHTS BY NORWEGIAN NAVAL VESSELS AND OTHER MILITARY VESSELS, PROMULGATED ON 22 DECEMBER 1967**

Article 1

Submarines which are fully submerged or are submerged except for their periscope shall in Norwegian waters consider themselves obliged to give way to all surface vessels and to seaplanes on the water.

Surface vessels shall nevertheless strictly comply with the provisions of Rules 21, 27 and 29 of the Regulations for Preventing Collisions at Sea of 3 March 1965 by keeping a careful watch and exercising caution.

Submarines which are fully or partly surfaced shall be regarded as power-driven vessels and shall comply with the provisions of the aforementioned Regulations for Preventing Collisions at Sea which relate to power-driven vessels.

When submerged submarines are manœuvring with other naval vessels, the latter shall carry the flag signal HP as a warning signal.

Article 2

Submarines on the surface shall carry a flashing light in addition to the prescribed running lights in order to draw the attention of approaching traffic to the fact that the submarine is considerably larger than the distance between the lights would indicate.

The lantern containing the flashing light shall be placed 1.83 metres directly above the mast-head light and shall be so constructed as to show an amber light all round the horizon rotating at the rate of about ninety flashes a minute. The light from this lantern shall be visible at a distance of at least five miles.

¹ *Supra* Chapter II, 9.

² *Supra* Chapter II, 14.

Article 3

Norwegian naval vessels and other military vessels shall not be required to carry the white light referred to in Rule 2, paragraph (a) (ii), of the Regulations for Preventing Collisions at Sea of 3 March 1965 if, owing to their special design or their special purpose, they would thereby be hindered in the performance of their military functions.

Article 4

In addition to the prescribed running lights, Norwegian vessels of the Naval Fishery Protection Service shall, while engaged in patrol activities, carry a blue light as an identification mark. The lantern containing the blue light shall be placed on the highest mast-head and shall be so constructed as to show an unbroken blue light all round the horizon. The light from this lantern shall be visible at a distance of at least two miles.

*Article 5**Penal provisions*

Save where a more severe penalty is applicable under some other provision of law, an offence against these provisions shall be punished by a fine under article 339, paragraph 2, of the General Penal Code of 22 May 1902.

6. SWEDEN

- (a) ROYAL NOTICE No. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, article 1¹
- (b) ACT NO. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS, chapter 1, articles 1 and 4²
- (c) ROYAL NOTICE³ No. 366 OF 3 JUNE 1966 CONCERNING THE ADMISSION TO SWEDISH TERRITORY OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT**

*Introductory provisions**Article 1*

For the purposes of this Notice, the term "Swedish territory" means the land areas and territorial waters of Sweden and the air-space above such areas and waters.

¹ *Supra* Chapter III, 6 (a).

² *Supra* Chapter II, 18 (c).

³ *Svensk författningssamling* 1966, No. 336. Came into force on 1 July 1966. By this Notice, the following legislation was repealed: Royal Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peace-time (ST/LEG/SER.B/6, p. 409); Royal Notice No. 627 of 21 October 1928 (ST/LEG/SER.B/6, p. 411); the Rules of Neutrality of 27 May 1938 (admission into the ports and other territorial waters of the Kingdom is accorded to belligerent warships subject to the following exceptions, restrictions and conditions) (ST/LEG/SER.B/6, p. 655); Royal Notice No. 66 of 27 February 1953 concerning access of foreign military aircraft to Swedish territory (ST/LEG/SER.B/6, p. 412); Notice No. 61 of 10 March 1961.

Article 2

The provisions of the Notice which relate to warships shall also apply to other vessels and to hovercraft which are owned or used by a foreign Power and are employed for non-commercial purposes. The provisions relating to military aircraft shall also apply to other aircraft which are owned or used by a foreign Power and are employed for non-commercial purposes.

Article 3

The Notice shall cease to have effect if Sweden becomes a belligerent in a war.

The provisions of articles 15-29 shall become applicable when His Majesty so orders. When the aforementioned articles are applicable, the provisions of articles 4 and 5 and 7-14 shall not apply to warships and military aircraft of a belligerent Power.

*General provisions applicable to warships and military aircraft of a foreign Power**Article 4*

Warships of a foreign Power shall be admitted, for the purposes of through passage, to the territorial sea, subject to the giving of notice through the diplomatic channel. No notice shall, however, be required for the purpose of passing through the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

In cases other than as provided in the first paragraph, authorization shall be required for the admission of warships to Swedish territory. No authorization shall, however, be required for a warship that is in distress or is being used by a foreign head of State on the occasion of a visit to Sweden.

Article 5

Military aircraft of a foreign Power shall be admitted, for the purposes of through flight, to the air-space above the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

In cases other than as provided in the first paragraph, authorization shall be required for the admission of aircraft to Swedish territory. No authorization shall, however, be required for an aircraft that is in distress or is being used by a foreign head of State on the occasion of a visit to Sweden.

Article 6

Warships and military aircraft of a foreign Power shall be subject, in Swedish territory, to the applicable provisions of Swedish health, pilotage, customs, traffic, port, airport and police regulations and regulations concerning the use of radio equipment. The instructions of the Swedish authorities must be followed.

Article 7

A warship of a foreign Power may not, without authorization, come to a stop or cast anchor or otherwise stop for any length of time in Swedish territory

unless the safety of the vessel requires it to do so. If a warship is compelled to stop for any length of time or if it enters internal waters because it is in distress, it shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

Article 8

While navigating in the territorial waters, a warship of a foreign Power shall fly its national ensign. Submarines shall remain on the surface.

In internal waters, warships shall proceed along pilot's fairways with the aid of a licensed Swedish pilot.

Article 9

Except as otherwise determined by His Majesty in specific cases, military aircraft of a foreign Power shall, in Swedish territory, proceed along routes in the controlled air-space and shall comply with the civil aviation regulations. An aircraft which enters the territory because it is in distress shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

Article 10

Except where necessary for the safety of the vessel or aircraft, mapping, surveying and the taking of soundings from a warship or military aircraft of a foreign Power shall be prohibited. Aerial photography shall be prohibited.

Article 11

A warship or military aircraft of a foreign Power may not, without authorization, engage in firing practice or in other exercises which cannot be conducted in their entirety within the vessel or aircraft. Manœuvring in connexion with military exercises shall likewise be prohibited.

Article 12

No guns or cameras other than those which are mounted on the aircraft and no ammunition, explosives, photographic plates or film may, without authorization, be carried on board military aircraft of a foreign Power.

Article 13

Personnel from a warship or military aircraft of a foreign Power may not be landed at any place other than that in respect of which authorization for a visit has been given. Personnel that is landed shall be deemed not to have entered the country.

Landed personnel may not, without authorization, bear arms. Commissioned and non-commissioned officers may, however, carry side-arms which form part of their uniforms.

Armed troops may not be carried in a military aircraft except with authorization.

Article 14

The authorization referred to in articles 4, 5, 7 and 11-13 shall be given by the King. The admission to Swedish territory of a military aircraft of a

foreign Power may, however, be authorized by the Civil Aviation Administration, after consultation with the Commander-in-Chief, if the aircraft is unarmed and is being used for transport on behalf of the United Nations or for transport of the same type as civil air transport.

The authorization given by the King shall be obtained through the diplomatic channel.

Special provisions applicable to warships and military aircraft of a belligerent Power

Article 15

Warships and military aircraft of a belligerent Power must respect Swedish neutrality. No military action—including the arrest, capture or boarding of a vessel or aircraft—may be carried out in Swedish territory or against an object or person in that territory. Swedish territory may not be used as a base for military operations. No intelligence or military command activities may be carried on there.

Article 16

Warships of a belligerent Power shall be admitted to the territorial sea for the purposes of passage not to exceed a period of twenty-four successive hours. Passage through the territorial sea by submarines and hovercraft shall, however, be permitted only in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevns light. A warship which has left the territorial sea may not return thereto until at least forty-eight hours have elapsed.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of a warship that is in distress at sea and, as determined by the military command after consultation with the regional director of civil defence, in respect of military hospital ships and other warships that are fitted out and used exclusively for humanitarian purposes.

Article 17

No more than three warships belonging to the same belligerent Power or to allied belligerent Powers may be present in Swedish territory at the same time.

Article 18

Military aircraft of a belligerent Power shall, for the purposes of passage without unnecessary deviations of course, be admitted to the air-space above the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevns light.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of an aircraft in distress and, as determined by the Commander-in-Chief, an aircraft serving as an ambulance.

Article 19

Warships of a belligerent Power which are present in Swedish territory when articles 15-29 become applicable shall leave the territory within twenty-four

hours. Where warships belonging to different belligerent Powers are present in the same port or at the same anchorage and the said Powers are not allies, a period of at least twenty-four hours must elapse between the departure times. Save where special conditions otherwise require, the warships shall depart in the order in which they arrived. If a merchant vessel of a belligerent leaves a port or anchorage in which a warship of an enemy Power is present, the warship may depart only after twenty-four hours have elapsed from the time of departure of the merchant vessel.

Article 20

A warship of a belligerent Power may not come to a stop or cast anchor or otherwise stop for any length of time in Swedish territory unless the safety of the vessel requires it to do so. If a warship is compelled to stop for any length of time, or if, by reason of extreme distress at sea, it enters a prohibited part of the territory, or if it is unable to leave the territory by the prescribed time, it shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

If, by reason of extreme distress at sea, a warship enters a prohibited part of the territory, or if it is unable to leave the territory by the prescribed time, the military command shall fix a reasonable time limit within which the vessel shall leave the territory. The military command shall also determine the extent to which repairs may be carried out. It shall be borne in mind in this regard that no time limit may be granted if the vessel obviously cannot be made seaworthy within a reasonable time, that damage resulting from military action may not be repaired and that other repairs may be carried out only to the extent required, having regard to the seaworthiness of the vessel.

If the prescribed time limit is not observed, the vessel shall be detained by the military command.

Article 21

Warships of a belligerent Power shall, while in Swedish territory, fly their national ensign at all times. Submarines shall remain on the surface.

In internal waters, warships shall proceed along pilot's fairways with the aid of a licensed Swedish pilot. In the territorial sea, the services of a pilot may be requested only in the case of extreme distress at sea.

Article 22

A warship of a belligerent Power may, as determined by the military command, replenish its stores if it is present in internal waters at the time when articles 15-29 become applicable, or if it has been granted a time limit in accordance with article 20. It shall be borne in mind in this regard that stores may be replenished only to the extent required to enable the vessel to reach the nearest port in its own territory.

The replenishment of stores in cases other than as provided in the first paragraph shall, as determined by the military command after consultation with the regional director of civil defence, be permitted in the case of military hospital ships and other warships that are fitted out and used exclusively for humanitarian purposes and in the case of an aircraft serving as an ambulance.

Article 23

A military aircraft of a belligerent Power which enters Swedish territory because it is in distress shall if possible give a signal according to the international code.

A military aircraft which lands or comes down on the water in the territory shall be detained by the military command. An aircraft serving as an ambulance may not, however, be detained.

Article 24

Except where necessary for the safety of the vessel or aircraft, mapping, surveying and the taking of soundings from a warship or military aircraft of a belligerent Power shall be prohibited. Aerial photography shall be prohibited.

Warships or military aircraft may not engage in exercises.

Article 25

Radio equipment on board warships or military aircraft of a belligerent Power may not be used for the sending of radio messages except in a case of distress or except for the purpose of communicating with Swedish authorities via a Swedish radio station.

Article 26

Unless the military command decides otherwise, personnel from a warship or military aircraft of a belligerent Power may not be landed. Personnel that is landed shall be deemed not to have entered the country.

*Special provisions applicable to captured vessels**Article 27*

Foreign vessels captured by a belligerent Power shall be admitted, for the purposes of through passage, to the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of a captured vessel that is in extreme distress at sea.

The provisions of articles 6, 15, 20, 21 and 24-26 shall apply to captured vessels which are present in the territory. A captured vessel may not replenish its stores in the territory.

Article 28

Where a Swedish vessel captured by a belligerent Power enters Swedish territory, it may not leave the territory without the authorization of the King.

Article 29

The provisions of article 27 shall apply, *mutatis mutandis*, to the transport of prisoners of war.

Regulations for the application of a Notice

Article 30

Regulations and instructions for the application of this Notice shall, as the case may be, be made or issued by the King or, with the authorization of the King, by the Commander-in-Chief.

In addition to the provisions of the Notice, there shall also apply such special regulations for admission to Swedish territory as may be made by the King.

- (d) ROYAL NOTICE¹ No. 466 OF 25 MAY 1967 CONCERNING, *inter alia*, THE REPORTING OF FOREIGN WARSHIPS**

Article 1

The provisions of this Notice which relate to foreign warships shall also apply to other vessels and to hovercraft which are owned or used by a foreign Power and are employed for non-commercial purposes.

Article 2

The provisions of article 5 shall become applicable when His Majesty so orders. When the aforementioned article is applicable, the provisions of article 4 shall not apply to warships of a belligerent Power or to foreign vessels captured by a belligerent Power.

Article 3

The pilotage, lighthouse, customs and police authorities shall make a report as soon as possible to the military commander designated by the Commander-in-Chief if:

(a) a foreign warship is observed in or adjacent to the territorial waters of Sweden;

(b) a foreign warship contravenes provisions of Notice² No. 366 of 3 June 1966 concerning the admission to Swedish territory of foreign warships and military aircraft.

Regulations and instructions concerning such reporting shall, as the case may be, be made or issued, in their respective fields of jurisdiction, by the Shipping and Navigation Board, the General Customs Administration and the National Police Board in consultation with the Commander-in-Chief.

Article 4

The piloting of a warship shall be conditional upon the warship having been admitted to the territorial waters of Sweden. If the warship enters the territory

¹ *Svensk författningssamling* 1967, No. 466. Came into force on 1 October 1967. By this Notice, 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 (ST/LEG/SER.B/6, p. 410) was repealed.

² *Supra* under (c).

without being entitled to do so, pilotage may none the less be provided if so ordered by the military commander designated by the Commander-in-Chief.

Article 5

The piloting of warships of a belligerent Power and of foreign vessels captured by a belligerent Power shall be conditional upon the warship or vessel having been admitted to the territorial waters of Sweden; provided that pilotage may be provided in the territorial sea only if the warship or vessel is in extreme distress.

7. UNION OF SOVIET SOCIALIST REPUBLICS

(a) RULES¹ FOR VISITS BY FOREIGN WARSHIPS IN TERRITORIAL WATERS AND PORTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

Article 1. Visits by foreign warships in territorial waters and ports of the USSR shall be subject to the authorization of the Government of the USSR.

Article 2. Authorization for the entry of foreign warships shall be requested through the Ministry of Foreign Affairs of the USSR not later than thirty days before the date of the proposed visit; the request shall contain the following particulars: the purpose of the visit, the port which it is proposed to visit, the number, class, names and principal characteristics of the ships (displacement, length, beam, draught), the length of stay and the rank and name of the commanding officer (flag officer).

Article 3. The provisions of articles 1 and 2 shall not apply to:

(a) Warships carrying Heads of State or Heads of Government and warships escorting them;

(b) Warships which enter Soviet territorial waters or USSR ports as a consequence of natural disasters and damage endangering the safety of the ship (forced call). In such cases the foreign warship shall inform the nearest port of the reason for its entry into Soviet waters, and, if possible, it shall proceed to a port open to foreign merchant vessels or to a point indicated by a ship of the Navy or Frontier Defence Service dispatched for purposes of rendezvous or rendering assistance.

Article 4. 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 area of Soviet territorial waters or in the same USSR port. Unless otherwise provided in the authorization obtained, the maximum length of stay for each foreign warship in a Soviet port shall be seven days.

¹ *Notices to Mariners*, USSR, Ministry of Defence, Administration for Hydrography, 1 January 1967, issue I, No. 10. For the Provisional rules of 28 March 1931 for foreign warships visiting USSR waters, see ST/LEG/SER.B/6, p. 412.

Article 5. Visits by foreign warships to Soviet ports shall be classified as: official visits, primarily intended to serve representational purposes and designed to develop friendly relations between States; non-official visits, paid as a rule by training and research ships and vessels; and service calls, due to operational or technical circumstances.

The ceremonial and procedure for receiving foreign warships in Soviet ports, the procedure for salutes and the procedure for co-ordinating all matters connected with calls at Soviet ports on the occasion of visits or service calls shall be laid down in special instructions issued by the Ministry of Defence of the USSR.

Article 6. Foreign warships shall be exempt from harbour, ship and other dues in ports of the USSR, subject to reciprocity. Dues shall be collected only for services rendered (towage, pilotage, etc.).

Warships shall also be exempt from customs inspection and customs duties. Customs duties shall be levied only on goods unladen on to the shore.

Article 7. Foreign submarines shall be permitted to enter and stay in USSR waters only if they remain on the surface.

Article 8. Foreign warships visiting USSR ports shall be required to take on USSR pilots in those ports on the approaches to which pilotage is compulsory.

Article 9. While in USSR territorial waters, foreign warships shall not enter areas closed to navigation. Information concerning such areas shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

Article 10. A foreign warship bound for a USSR port shall be boarded on the approaches to the port by a liaison officer, who shall be a representative of the senior naval commander.

On boarding the ship, the representatives of the senior naval commander shall be furnished, on the orders of the commanding officer of the foreign warship, with the particulars specified in the annexed list (unless such particulars have been previously furnished). The representative of the senior naval commander shall make known the rules and directions specifically applicable to foreign warships to be observed by the warship, its boats and its crew during the stay in the port (roadstead).

Particulars of the sanitary condition of the warship shall be furnished to the representative of the sanitary authority when he boards the ship.

Note. In ports where there is no senior naval commander and no person specially designated to act in his stead in connexion with the reception of foreign warships, the rights and obligations of the senior naval commander shall vest in the garrison commander or in the senior officer of the local Frontier Defence Service unit.

Article 11. The berth to be assigned to a foreign warship shall be determined by the senior naval commander and shall be communicated to the commanding officer of the warship by the representative of the senior naval commander on boarding the warship.

If a representative of the senior naval commander does not come on board and the place where the ship is to be berthed is not known to the commanding officer of the foreign warship, the said commanding officer shall seek the relevant information from the port authorities by radio or some other means of communication and shall come to anchor in accordance with their directions. Subsequently, the senior naval commander acting through his representative shall confirm the berth in question or shall indicate to the commanding officer of the foreign warship another berth as well as any later changes of berth which may prove necessary.

Article 12. Unarmed boats of foreign warships may move within the precincts of the port only in accordance with the port rules and the directions of the senior naval commander.

Article 13. Subject to compliance with the port rules, the 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.

Article 14. When ashore, members of the crews of foreign warships shall conform to the rules relating to the wearing of uniforms.

Crew members shall not go ashore armed, except for officers, who may carry side-arms forming part of their uniforms.

Article 15. 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 accordance with the procedure prescribed by the senior naval commander, by agreement with the commanding officer of the warship and subject to compliance with the relevant passport and customs formalities of the USSR.

Note. In the case of diplomatic and consular representatives of the country to which a visiting foreign warship belongs, special instructions established by the Ministry of Defence of the USSR, by agreement with the Ministry of Foreign Affairs of the USSR, shall apply.

Article 16. In addition to the activities prohibited by other laws and regulations, foreign warships and their crews shall be prohibited, while visiting USSR territorial waters and ports, from engaging in the following activities:

(a) Exploration and prospecting and any soundings or measurements other than those necessary for the safe navigation of the ship along a fairway open to navigation by all ships or for its safe anchorage at the designated berth in the port;

(b) Photographic or other surveying, drawing, sketching or the preparation of descriptions of any area of a port or of fortifications or any military or other installations;

(c) Movement of armed boats or boat training with armed crews, including landings;

(d) Searchlight training;

(e) Firing from weapons of any kind (except in the case of salutes);

(f) Mine laying or mine sweeping;

- (g) Exercises in the use of chemical agents, the laying of smoke screens and the generation of artificial fog;
- (h) Underwater explosions of any kind;
- (i) Flights by aircraft, and the release of balloons, flying of kites, etc.;
- (j) Use of radar or other radio, acoustical or similar devices while the ship is berthed in the port;
- (k) The taking of fish or marine animals of any kind;
- (l) Pollution of the water with waste oil or other waste products.

Article 17. Upon a request made in advance, the commanding officer of the foreign warship may be authorized by the senior naval commander:

- (a) To use radio equipment to communicate with his country;
- (b) To carry out underwater operations connected with the inspection or repair of the foreign warship;
- (c) To land armed or unarmed detachments in formation for patrolling purposes or for participation in parades or funeral ceremonies.

Article 18. Any breach of the established rules by a foreign warship or by members of its crew shall be drawn to the attention of the commanding officer of the foreign warship by the senior naval commander or by the officer acting in his stead, who shall simultaneously report the matter to his superior officer. If the foreign warship fails to heed this notice, it may be invited by the competent authorities to leave USSR territorial waters.

In exceptional circumstances, a foreign warship may at any time be invited to leave USSR territorial waters within a specified period.

Article 19. The application of these rules shall extend to auxiliary naval vessels and to armed vessels for the protection of fishing.

Article 20. The Provisional Rules of 28 February 1931 for foreign warships visiting USSR waters hereby cease to have effect.

- (b) REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 16, 17 and 26¹
- (c) CUSTOMS CODE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 35, 36²
- (d) REGULATIONS CONCERNING THE USE OF RADIO EQUIPMENT BY FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 4, 8, 9, 10³

¹ *Supra* Chapter III, 7 (a).

² *Supra* Chapter IV, 9 (a).

³ *Infra* Chapter VIII.

8. UNITED KINGDOM

- (a) OIL IN NAVIGABLE WATERS ACT, 1955 (CHAPTER 25), section 16¹
- (b) OIL IN NAVIGABLE WATERS ACT, 1963 (CHAPTER 28), schedule 1, section 3²

9. YUGOSLAVIA

LAW OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF, articles 2, 14 and 16³

¹ *Infra* DIVISION III. 23 (a).

² *Ibid.* (f).

³ *Supra* Chapter I, 53.

Chapter VII
POLLUTION OF THE TERRITORIAL SEA

1. AUSTRALIA

- (a) NAVIGATION ACT 1912-1967 (No. 60 of 1967; 18 September 1966), section 192ABC¹
- (b) BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION ACT 1932-1961 (No. 62 of 1961; 24 October 1961), sections 3 and 5²
- (c) POLLUTION OF THE SEA BY OIL ACT 1960-1965 (No. 4 of 1965; 12 April 1965), section 3³

...

STATES OF AUSTRALIA

NEW SOUTH WALES

Prevention of Oil Pollution of Navigable Waters Act, 1960

(No. 48 of 1960, 17 November 1960)⁴

...

3.

...

Application

(2) This Act shall apply to all ships within the jurisdiction: Provided that sections nine, ten and fifteen of this Act shall not apply to ships trading, or proceeding, to or from a port outside the jurisdiction.

¹ *Supra* Chapter II, 2 (a).

² *Supra* Chapter II, 2 (b).

³ *Infra* DIVISION III 1 (a).

⁴ Oil in Navigable Waters Act, 1927 reproduced in ST/LEG/SER.B/6, pp. 73-74 was repealed by this Act.

4. *Definitions*

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

...

“The jurisdiction” means the sea lying within the territorial limits, the ports and tidal rivers, and the inland navigable waters of New South Wales.

(2) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, having the result that the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, is for all purposes under this Act a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

...

6. *Discharge of oil into waters*

If any discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from any ship, or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship) then subject to the provisions of this Act—

(a) if the discharge is from a ship, both the owner and the master of the ship, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a ship, the person in charge of the apparatus,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one thousand pounds.

7. *Special defences*

(1) Where the owner or master of a ship is charged with an offence against section six of this Act it shall be a defence to prove—

(a) that the discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances;

(b) that the oil or mixture containing oil escaped—

(i) in consequence of damage to the ship and that all reasonable steps were taken after the occurrence of the damage for stopping or reducing the escape of the oil or mixture; or

(ii) in consequence of leakage which could not have been avoided, foreseen or anticipated and that all reasonable steps were taken for prompt discovery of the leakage and after such discovery for stopping or reducing the escape of the oil or mixture.

(2) Where the occupier of a place on land, or the person in charge of any apparatus, is charged with an offence under section six of this Act it shall be a defence to prove that the escape of the oil or mixture containing oil was due to accident which could not have been avoided, foreseen or anticipated, and that all reasonable steps were taken for prompt discovery of the escape of the oil or mixture and after such discovery for stopping or reducing such escape.

...

11. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship or from any place on land into any waters within the jurisdiction, the owner and master of the ship from which such discharge occurs or the occupier of the place on land from which such discharge occurs shall forthwith inform the Board of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred pounds.

(2) The harbour master of any port, or any officer or employee of the Board having charge of any district, or any other person appointed for that purpose by the Board may where any discharge of oil or any mixture containing oil into any waters within the jurisdiction occurs or where he has reasonable cause to suspect that any such discharge has occurred—

(a) go on board and inspect any ship being within the jurisdiction;

(b) inspect any records required to be kept in respect of such ship by this Act or any regulations made thereunder, or by any laws of any Contracting Government to the Convention for the carrying out of the purposes of the Convention;

(c) if such records are kept in a language other than English, be accompanied and assisted by an interpreter; and

(d) cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

13. *Restriction on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise from or to a ship (whether to or from a place on land or to or from another ship) in any waters within the jurisdiction unless notice of such transfer has been given to, and permission in writing obtained from, the harbour master or other person having charge of those waters, or the Board.

...

QUEENSLAND

(a) *Fisheries Acts, 1957-1962 (No. 10 of 1962), section 86*¹

(b) *Queensland Marine Acts, 1958-1967 (No. 1 of 1967; 2 March 1967), section 210*²

(c) *Pollution of Waters by Oil Acts, 1960-1961 (No. 44 of 1961; 13 December 1961)*³

3. *Interpretation*

(1) In this Act unless the context or subject matter otherwise indicates or requires:—

...

The Jurisdiction

“The Jurisdiction”—means Queensland, including the territorial waters of Queensland and the inland navigable waters of the State;

Waters

“Waters”—means any waters of the sea or any inland navigable waters within the jurisdiction.

...

(3) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, having the result that the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, is for all purposes under this Act a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

4. *Discharge of oil or mixture containing oil into waters*

(1) Subject to this Act—

(a) if any discharge of oil into any waters occurs from a ship or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship); or

(b) if any discharge of a mixture containing oil into any waters occurs from a ship, or from any place on land, or from any apparatus used for transferring any mixture containing oil from or to any ship (whether to or from any place on land or to or from another ship) with the consequence that the oil in the mixture fouls the surface of the waters, then—

¹ *Supra* DIVISION IV. 2, *States of Australia*, Queensland.

² *Supra* Chapter II, 2, *States of Australia*, Queensland.

³ According to the information received from the Permanent Mission of Australia to the United Nations, these Acts relate to the prevention of the pollution of the territorial waters and inland navigable waters of Queensland.

- (i) if the discharge is from a ship, both the owner and the master of the ship; or
- (ii) if the discharge is from a place on land, the occupier of such place on land; or
- (iii) if the discharge is from apparatus used for transferring oil or a mixture containing oil to or from a ship, the person in charge of the apparatus,

shall be guilty of an offence against this Act.

Penalty: One thousand pounds.

Special defences

(2) It is a defence if a person charged with an offence against this section in relation to a ship proves—

(a) that the discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances;

(b) that the oil or mixture containing oil escaped in consequence of damage to the ship or unavoidable leakage, and that all reasonable precautions were taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or reducing the escape of the oil or mixture.

It is a defence if a person charged with an offence against this section in relation to any land or apparatus proves that the oil or mixture containing oil escaped in consequence of unavoidable leakage and that all reasonable precautions were taken after the discovery of the leakage for the purpose of preventing or reducing the escape of the oil or mixture.

Presumptions

(3) In any proceedings for an offence against this section in respect of the discharge of a mixture containing oil—

(a) if it is proved that there were not less than one hundred parts of oil in one million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the waters; or

(b) if it is proved that there were less than one hundred parts of oil in one million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the waters.

...

8. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship or from any place on land into any waters within the jurisdiction, the owner or master of such ship, or the occupier of such place on land shall forthwith inform—

(a) if the discharge occurs into waters within the limits of a harbour, the Harbour Board; or

(b) if the discharge occurs into waters without the limits of any harbour, the Board, of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this section.

(2) For the purpose of investigating any discharge or suspected discharge of oil or of a mixture containing oil into any waters within the jurisdiction, the harbour master of any harbour, or any officer or employee of the Board having charge of any district, or any person appointed for that purpose by the Board or a Harbour Board—

(a) may go on board and inspect any ship being within the jurisdiction;

(b) may inspect any records required to be kept in respect of the ship by this Act or any regulations made thereunder, or by any laws of any country to which the Convention applies;

(c) if such records are kept in a language other than English, may be accompanied and assisted by an interpreter; and

(d) may cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

10. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a ship in any waters within the jurisdiction unless notice has been given to, and permission in writing obtained from—

(a) where such waters are within the limits of a harbour for which there is a Harbour Board, such Harbour Board; or

(b) where such waters are not within the limits of a harbour for which there is a Harbour Board, the harbour master or other person having charge of such waters or the Board.

(d) *Prevention of Pollution of Queensland Waters by Oil Regulations of 1963**¹

SOUTH AUSTRALIA

Prevention of Pollution of Waters by Oil Act, 1961-1964

(No. 4 of 1964, 5 March 1964)

...

3. *Interpretation*

(1) In this Act unless the context or subject matter otherwise requires:—

...

“the jurisdiction” means the sea lying within the territorial limits and the ports and tidal rivers, and the inland navigable waters of the State:

¹ Published in Queensland *Government Gazette* of 12 October 1963, pp. 441-449 and amended by the Regulations made by the Governor on 13 February 1964.

(2) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, whereby the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, shall for all purposes under this Act be deemed to be a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

...

5.¹ *Discharge of Oil into waters*

If any discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from any ship, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship) then subject to the provisions of this Act—

(a) if the discharge is from a ship, both the owner, the agent and the master of the ship severally, or

(b) if the discharge is from apparatus used for transferring oil from or to a ship, the person in charge of the apparatus,

shall be guilty of an offence against this section.

Penalty: One thousand pounds.

6. *Special Defences*

(1) Where a person is charged with an offence against section 5 as owner or master of a ship, it shall be a defence to prove—

(a) that a discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances; or

(b) that the oil or mixture containing oil escaped in consequence of damage to the ship, or of leakage which could not have been avoided, foreseen or anticipated, and that all reasonable steps were taken after the occurrence of the damage, or for prompt discovery of the leakage and thereafter, for stopping or reducing the escape of the oil or mixture.

...

10. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship into any waters within the jurisdiction, the owner, agent or master of such ship, shall forthwith inform the Board of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this section.

(2) For the purpose of investigating any discharge or suspected discharge of oil or of a mixture containing oil into any waters within the jurisdiction, the harbour master of any port, or any officer or employee of the Board having charge of any district, or any other person appointed for that purpose by the Board—

(a) may go on board and inspect any ship being within the jurisdiction;

¹ As amended by Statute Law Revision Act, 1965 (No. 39 of 1965; 9 December 1965).

(b) may inspect any records required to be kept in respect of the ship by this Act or any regulations made thereunder, or by any laws of any Contracting State for the carrying out of the purposes of the Convention;

(c) if such records are kept in a language other than English, may be accompanied and assisted by an interpreter; and

(d) may cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry.

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

12. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a ship in any waters within the jurisdiction unless notice has been given to, and permission in writing obtained from, the harbour master or other person having charge of those waters, or the Board.

TASMANIA

(a) *Marine Act 1921–1967 (No. 57 of 1967; 7 December 1967)*¹

PART VII

GENERAL DUTIES AND POWERS

Division I. Duties of boards

...

65AB. *Disposal of refuse from overseas vessels*²

(1) Where an overseas terminal is, or overseas terminals are, situated in a port within the jurisdiction of a board—

(a) that board shall, if so directed by the Minister, install approved equipment—

- (i) at that terminal or at all or any of those terminals, as the case may be; or
- (ii) at such other place in the vicinity of that terminal or such other places in the vicinity of all or any of those terminals, as the case may be, as may be agreed upon between the Minister and the board; and

(b) the master of an overseas vessel that is berthed in any waters within that port shall take all such steps as may be necessary to ensure that all refuse on board that vessel is, as soon as is reasonably practicable after the production or accumulation of the refuse, removed from the vessel in conformity with such

¹ *Supra* Chapter II, 2, *States of Australia*, Tasmania.

² See also *ibid.*, section 65A.

directions as to the disposal thereof as may be given by the Minister or an authorized officer either generally or in any particular case.

(2) If the master of an overseas vessel fails to comply with the provisions of paragraph (b) of subsection (1) of this section, he is guilty of an offence.

Penalty: Four hundred dollars.

...

(10) Where an overseas vessel is berthed or is under way in any waters within the jurisdiction of a board by which approved equipment has been installed pursuant to this section and any refuse—

(a) is discharged from that vessel into any such waters;

(b) is removed from that vessel except in conformity with such directions given under this section by the Minister or by an authorized officer as may be applicable, either generally or in relation to that vessel; or

(c) is disposed of otherwise than in or by means of approved equipment so installed,

the master of that vessel, and any person causing or permitting that refuse so to be discharged, removed, or disposed of, is guilty of an offence.

Penalty: Four hundred dollars.

(b) *Oil Pollution Act 1961-1964*
(No. 41 of 1964, 20 November 1964)

...

2. *Interpretation*

In this Act, unless the contrary intention appears—

“Convention” means—

(a) the International Convention¹ for the Prevention of Pollution of the Sea by Oil 1954 and includes that Convention as amended by any amendment accepted by Her Majesty on behalf of the Commonwealth; and

(b) any subsequent Convention relating to the same subject and accepted by Her Majesty on behalf of the Commonwealth;

...

“Tasmanian ship” means any vessel other than one which trades or proceeds to or from a port outside the State;

...

“the sea” includes estuaries, arms of the sea, creeks, tidal rivers and inland navigable waters;

3. *Discharge of oil into waters*

If any oil is discharged or escapes into the sea from a vessel, a place on land, or apparatus used for transferring oil from or to a vessel (whether to or from a place on land or to or from another vessel)—

¹ *Infra* PART II, DIVISION III, SUB-DIVISION A, I.

(a) if the discharge or escape is from a vessel, the owner or master of the vessel;

(b) if the discharge or escape is from a place on land, the occupier of that place; or

(c) if the discharge or escape is from such apparatus, the person in charge of the apparatus,

is liable to a penalty of one thousand pounds.

...

8. *Restriction on transfer of oil at night*

(1) Oil shall not be transferred between sunset and sunrise to or from a vessel in any port unless notice has been given to, and permission in writing obtained from, the harbour master or the harbour authority.

...

10. *Powers of inspection*

(1) For the purpose of investigating any known or suspected discharge or escape of oil into the sea the harbour master or any person appointed for the purpose by the harbour authority may—

(a) go on board and inspect any vessel within the jurisdiction of the harbour authority;

(b) inspect any records required to be kept in respect of the vessel by this Act or by any law of the country of a contracting government to the Convention for the carrying out of the purposes of the Convention;

(c) if those records are kept in a language other than English be accompanied and assisted by an interpreter; and

(d) cause any entry in those records to be copied and require the person by whom the records are kept to certify the copy as a true copy of the entry.

(2) A person exercising a power conferred by subsection (1) of this section shall not unnecessarily detain or delay a vessel from proceeding on her voyage.

VICTORIA

Fisheries Act 1958 (No. 62 of 1958; 30 September 1958), section 48¹

2. FINLAND

LAW NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA (5 March 1965), articles 1-6²

¹ See *Infra* DIVISION IV, 2, *States of Australia*, Victoria.

² *Infra* DIVISION III, 9 (b).

3. FRANCE

- (a) LOI N° 64-1331 DU 26 DÉCEMBRE 1964 RÉPRIMANT LA POLLUTION DES EAUX DE LA MER PAR LES HYDROCARBURES, article 4¹
- (b) ARRÊTÉ² DU 25 FÉVRIER 1965 RELATIF AU REGISTRE DES HYDROCARBURES TENU À BORD DE CERTAINS BÂTIMENTS DE MER*

4. GHANA

OIL IN NAVIGABLE WATERS ACT, 1964 (Act No. 235 of 6 April 1964)³

5. KUWAIT

- (a) GENERAL PORT RULES, ENACTED AS AN AMIRI DECREE NO. 7 OF 1959, section III, para. 41; section IV, para. 46(ii)⁴
- (b) LAW NO. 12⁵ FOR THE YEAR 1964 REGARDING PREVENTION OF POLLUTION OF NAVIGABLE WATERS BY OIL

Article I

1. It is prohibited to pollute the sea area described in paragraph 2 of this Article by the discharge or escape of oil or any other oily mixture from any ship, place on land or equipment intended to keep or transfer oil from place to place on board a ship or on land.

2. The sea areas where pollution referred to in the preceding paragraph shall be prohibited are:

(a) The internal waters of the State of Kuwait including all the waters on the landward side of the closing line of Kuwait Bay as established in Annex III attached to this Law and shown on the attached map.

(b) The territorial waters of the State of Kuwait.

3. Those responsible for the pollution referred to in paragraph 1 shall be:

(a) The owner or master of a ship, if pollution is caused by a ship.

¹ *Supra* DIVISION III. 10 (a).

² *Journal Officiel* n° 76 du 31 mars 1965, p. 2539.

³ *Infra* DIVISION III. 11.

⁴ *Supra* Chapter II, 9 (b).

⁵ Issued on 26 February 1964.

(b) The occupier or tenant of the place if pollution is caused from a place on land.

(c) The Owner, user or possessor of the equipment if pollution is caused by equipment for keeping or transferring oil.

Article II

1. Tankers of 150 Gross Registered Tons or more, and other vessels of 500 Gross Registered Tons or more registered in Kuwait are forbidden to discharge oil or any other liquid of which oil constitutes not less than one hundred parts per million into areas which are for such vessels prohibited zones in accordance with the description prescribed in Annex I attached to this Law.

2. The Minister of Finance and Industry may issue regulations to change the prohibited zones described in Annex I attached to this Law, in accordance with any amendment of the provisions of the International Convention¹ for the Prevention of Pollution of the Sea as amended in 1962 or any other convention ratified by the State of Kuwait.

...

Article V

1. Pollution shall not be considered an offence if it is proved that it has occurred as a result of the discharge of oil or oily mixture for the purpose of securing the safety of the ship, saving life at sea or preventing serious damage to cargo; or if it is proved that the escape of oil or oily mixture is a result of an accident occurring to the ship or equipment, or that it has occurred and continued despite all reasonable efforts to prevent, stop or minimise it.

...

Article VI

The Minister of Finance and Industry or any person authorized by him may give orders to detain any ship causing pollution until the trial of the person held responsible for pollution has been completed.

2. The person responsible for pollution may suspend a detention order issued against the ship on payment as a guarantee of one thousand Kuwait Dinars, to the officer entrusted with the execution of such order.

...

ANNEX 1

PROHIBITED ZONES

All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purpose of this Annex, the term 'from the nearest land' means 'from the base line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958'.

2. The following sea areas, in so far as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

¹ *Infra* PART II, DIVISION III, SUB-DIVISION A, I.

(a) PACIFIC OCEAN

The Canadian Western Zone

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

(b) NORTH ATLANTIC OCEAN, NORTH SEA AND BALTIC SEA

(i) *The North West Atlantic Zone*

The North West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 64° 34' west thence to latitude 24° 05' north, longitude 64° 37' west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*

The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the Sea areas within a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
62° north	2° east
64° north	00°
64° north	10° west
60° north	14° west
54° 30' north	30° west
53° north	40° west
44° 20' north	40° west
44° 20' north	30° west
46° north	20° west, thence towards cape

Finisterre at the intersection of the 50 miles limit.

(v) *The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*

The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(c) MEDITERRANEAN AND ADRIATIC SEAS

The Mediterranean and Adriatic Zone

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(d) BLACK SEA AND SEA OF AZOV

The Black Sea and Sea of Azov Zone

The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(e) RED SEA, THE RED SEA ZONE

The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(f) ARABIAN GULF

(i) *The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*

The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

(g) ARABIAN SEA, BAY OF BENGAL AND INDIAN OCEAN

(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
23° 33' north	68° 20' east
23° 33' north	67° 30' east
22° north	68° east
20° north	70° east
18° 55' north	72° east
15° 40' north	72° 42' east
8° 30' north	75° 48' east
7° 10' north	76° 50' east
7° 10' north	78° 14' east
9° 06' north	79° 32' east

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
10° 15' north	80° 50' east
14° 30' north	81° 38' east
20° 20' north	88° 10' east
20° 20' north	89° east

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(h) AUSTRALIA

The Australian Zone

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and a point on the west coast at 20° south latitude.

...

ANNEX III

"Closing line of Kuwait Bay" means the straight lines drawn between the points hereinafter mentioned and shown on the map attached to this Law.

1. ON THE SOUTH-EAST

The line drawn from the northern outer-most end of the jetty at Abu Hulaifa situated approximately at latitude 29 degrees 07 point 65 minutes north and longitude 48 degrees 09 minutes east to the south-western extremity of the low-water line of Jazirat Auha situated at latitude 29 degrees 22 point 3 minutes north and longitude 48 degrees 26 point 15 minutes east.

2. ON THE NORTH-EAST

The line drawn from the north-western extremity of the low-water line of Jazirat Auha situated approximately at latitude 29 degrees 22 point 5 minutes north and longitude

48 degrees 26 point 15 minutes east to the eastern extremity of the low-water line of Jazirat Failaka situated approximately at latitude 29 degrees 23 point 5 minutes north and longitude 48 degrees 24 point 45 minutes east.

3. ON THE NORTH

The line drawn from the north-western extremity of the low-water line of Jazirat Failaka situated approximately at latitude 29 degrees 27 point 2 minutes north and longitude 48 degrees 16 point 5 minutes east to the low-water line of the north-eastern extreme of the drying spit extending south-eastwards from the mainland at Sabiya situated approximately at latitude 29 degrees 27 point 5 minutes north and longitude 48 degrees 15 point 5 minutes east.

Note:

For the purpose of identification on the spot, all lines described in this Annex have been shown on the map¹ attached to this Law.

6. NEW ZEALAND

(a) PETROLEUM REGULATIONS 1939 (15 March 1939), section 29²

(b) OIL IN NAVIGABLE WATERS ACT 1965 (No. 65 of 1965; 22 October 1965)³

7. PORTUGAL

LEGISLATIVE DECREE No. 46, 619 OF 27 OCTOBER 1965**

Article 1. The discharge of any petroliferous products, or mixtures containing such products, into Portugal's territorial sea, as also at ports, docks or basins, in river-beds or on beaches and shores, shall be prohibited.

Sole para. The maritime authorities, on their own initiative or at the request of the health authorities, shall take the requisite measures to prevent captains of ships from discharging residual waters and substances.

Article 2. Portuguese ships of over 150 tons gross tonnage shall be prohibited from discharging persistent oils (crude oil, fuel oil, heavy diesel oil and lubricating oil), or mixtures containing such oils, within 100 miles of the Portuguese coast in the case of the European continent and within 50 miles of other Portuguese coasts.

¹ Not reproduced here for technical reasons.

² *Infra* DIVISION II. 31 (b).

³ *Infra* DIVISION III. 18 (b).

Article 3. Portuguese ships of over 150 tons gross tonnage shall be prohibited from discharging persistent oils, or mixtures containing such oils, in the prohibited zones shown in Annex A of the International Convention for the Prevention of Pollution of the Sea by Oil as defined at the London Conference of 1962 with respect to the countries which have ratified that Convention.

Article 4. Ships which are found to have violated the provisions of this Legislative Decree shall be subject to a fine of 20,000 to 100,000 escudos.

Sole para. Competence to impose the fines referred to in the foregoing article shall lie with the maritime and health authorities.

Article 5. This Legislative Decree shall not be applicable to:

(a) The discharge of oil or an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea;

(b) The escape of oil, or of an oily mixture, resulting from damage or leakage, if all reasonable precautions have been taken after the occurrence of the damage or leakage for the purpose of preventing or minimizing the escape.

8. SWEDEN

ACT¹ NO. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION CAUSED BY SHIPS, AS AMENDED^{2**}

Article 1

It shall be unlawful to discharge oil from a ship in water areas which form part of Swedish territory. Every effort shall be made to prevent the escape of oil from a ship in such water areas.

In so far as other water areas are concerned, the King may prescribe that the provisions of the first paragraph shall apply to Swedish tankers of 150 tons gross tonnage or more and to other Swedish ships of 500 tons gross tonnage or more or to specific types of such tankers or ships.

For the purposes of this Act, the term "oil" means crude oil and lubricating oil and also heavy diesel oil and other persistent fuel oils as specified by the King. What is provided in the Act with regard to oil shall also apply to an oily mixture consisting of not less than 100 parts of oil as aforesaid in 1,000,000 parts of the mixture.

¹ *Svensk författningssamling* 1956, No. 86. Came into force on 1 January 1957. For Royal Notice No. 191 of 2 May 1958 containing regulations for the application of Act No. 86 of 6 April 1956, see *infra* DIVISION III. 22 (f).

² Amended by the following legislation: Notice No. 473 of 21 September 1956; Act No. 187 of 31 May 1963; Notice No. 125 of 21 April 1967; and Act No. 653 of 1 December 1967.

Article 2

Notwithstanding the provisions of article 1, it shall be permissible to discharge:

(a) oily bilge water, but, in the case of tankers, of 150 tons gross tonnage or more and other ships of 500 tons gross tonnage or more, only if the water contains no oil other than lubricating oil which has drained or leaked from the machinery spaces of the vessel;

(b) residue arising from the purification or clarification of fuel oil or lubricating oil.

Any discharge as referred to in sub-paragraph (b) shall, however, be made as far as practicable from land.

Article 3

The King or an authority designated by the King may, in respect of specific water areas of Sweden, make regulations to prevent the water from being polluted by waste from ships other than oil or by such discharge as referred to in article 2.

Article 4

Swedish tankers of 150 tons gross tonnage or more and other Swedish ships of 500 tons gross tonnage or more may not be used for navigation unless such tanker or ship, in conformity with regulations made by the King or an authority designated by the King, is so fitted as to prevent the escape of persistent fuel oil within the vessel or to prevent water pollution through the discharge or escape of oily bilge water in contravention of this Act.

A Swedish ship other than a tanker may not carry water in a fuel tank unless the ship is fitted with an oily-water separator as prescribed by the King or an authority designated by the King.

Supervision to ensure compliance with the foregoing provisions shall be exercised in accordance with the provisions of Act No. 719 of 19 November 1965 concerning safety on board vessels.

...

9. UNITED KINGDOM

(a) OIL IN NAVIGABLE WATERS ACT, 1955 (CHAPTER 25) AS AMENDED, sections 2, 3, 7, 8, 9, 10 and 11,¹ 14-16; schedule, part III

(b) OIL IN NAVIGABLE WATERS ACT 1963 (CHAPTER 25)¹

(c) CONTINENTAL SHELF ACT 1964, section 5²

(d) OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) ORDER 1967¹

(e) OIL IN NAVIGABLE WATERS (HEAVY DIESEL OIL) REGULATIONS 1967, section 4¹

(f) OIL IN NAVIGABLE WATERS ACTS 1955 and 1963. EXEMPTION FOR VESSELS OF LESS THAN 80 TONS¹

¹ *Infra* DIVISION III. 23 (a) (f) (n) (o) (r), respectively.

² *Infra* DIVISION II. 45 (a).

10. UNITED STATES OF AMERICA

OIL POLLUTION ACT,¹ 1924§ 432. *Definitions*

When used in sections 431—437 of this title, unless the context otherwise requires—

- (1) “oil” means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;
- (2) “person” means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;
- (3) “discharge” means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;
- (4) “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; and
- (5) “Secretary” means the Secretary of the Interior.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1252)

§ 433. *Discharge of oil*(a) *Prohibition*

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 hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

(b) *Removal of discharged oil; costs and expenses of removal; penalties for failure to remove*

Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 434 of this title, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

¹ 43 Stat. 604, as amended on 3 November 1966, 80 Stat. 1252, 33 U.S.C. 431-437 (Supp. II 1965-1966). Sections 432 and 433 reproduced in ST/LEG/SER.B/6, pp. 307-8, have been replaced by the above text.

(c) *Rules and regulations*

The Secretary may prescribe regulations which—

(1) permit the discharge of oil from boats or vessels in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1253.)

§ 434. *Penalties for violations; liability of vessel*

(a) Any person who violates section 433(a) of this title shall, upon conviction thereof, be punished by a fine not exceeding \$2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 433(a) of this title shall be liable for a penalty of not more than \$10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1253.)

§ 435. *Revocation or suspension of license of officers of offending boats or vessels*

The Commandant of the Coast Guard may, subject to the provisions of section 239 of Title 46, suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 433 of this title.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

§ 436. *Enforcement by Coast Guard and Army personnel; consent by Commandant and Secretary; arrest of offenders and procedure*

In the administration of sections 431—437 of this title the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States. For the better enforcement of the provisions of such sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions,

except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of such sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offences alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

§ 437. *Other statutes for preservation and protection of navigable waters unaffected*

Sections 431—437 of this title shall be in addition to other laws for the preservation and protection of navigable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

Chapter VIII

BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA

1. AUSTRALIA

(a) WIRELESS TELEGRAPHY ACT 1905-1967 (No. 59 of 1967; 11 September 1967)

...

6A. *Broadcasts from ships in waters adjacent to Australia*

(1) Except as authorized by or under this Act, a person shall not, on a ship outside Australia but in waters adjacent to Australia—

(a) establish, maintain or use any station or appliance for the purpose of transmitting broadcast programmes by means of wireless telegraphy; or

(b) transmit a broadcast programme by means of wireless telegraphy.

(2) A person shall not, in Australia or in waters adjacent to Australia—

(a) sell or otherwise supply to another person any goods knowing, or having reasonable cause to believe, that the goods are for use—

(i) in or in connexion with the making of unauthorized broadcasts; or

(ii) in or in connexion with the navigation, working, operation or maintenance of a ship used, or to be used, in or in connexion with the making of unauthorized broadcasts;

(b) maintain or install, or do any act or thing in or in connexion with the maintenance or installation of, any appliance or apparatus knowing, or having reasonable cause to believe, that the appliance or apparatus is used, or is to be used, in or in connexion with the making of unauthorized broadcasts;

(c) do any act or thing in or in connexion with the navigation, working, operation or maintenance of any ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts; or

(d) transport any goods to a ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts.

(3) In the last preceding subsection, “unauthorized broadcast” means the transmission, except as authorized by or under this Act, of a broadcast programme by means of wireless telegraphy from a ship outside Australia but in waters adjacent to Australia.

Penalty: One thousand dollars or imprisonment for a term not exceeding Five years.

(b) NAVIGATION ACT 1912-1967 (No. 60 of 1967, 18 September 1967), section 269 A¹

2. SWEDEN

ROYAL NOTICE² NO. 448 OF 9 JUNE 1967 CONCERNING POSSESSION AND USE WITHIN SWEDISH TERRITORY OF RADIO TRANSMITTERS AND RECEIVERS ON BOARD FOREIGN VESSELS OR AIRCRAFT OR IN NON-SWEDISH MOTOR VEHICLES**

Article 1

For the purposes of this Notice, the expression "Swedish territory" means the land areas and the territorial waters of Sweden and the air space above such areas and waters.

Article 2

No special authorization shall be required for the possession within Swedish territory of a radio transmitter or receiver on board a foreign vessel or aircraft or in a non-Swedish motor vehicle.

The Telecommunication Department shall determine what fees are to be charged for the possession of radio receivers in non-Swedish motor vehicles where such receivers have not been imported for temporary use and are not exempt from duty.

Article 3

A radio transmitter on board a foreign vessel may be used in a case of emergency, and also:

(a) within Swedish port areas, for, on the one hand, radio-telephone communications on frequencies in the 156-162 MHz band either via a Swedish coastal station or in conjunction with port radio traffic, and, on the other hand, for other purposes or on other frequencies than as aforesaid as authorized by the Telecommunication Department;

(b) elsewhere within Swedish territory, unless the Telecommunication Department has issued a prohibition against or imposed a restriction upon such use.

...

Article 6

Where a radio transmitter on board a foreign vessel or aircraft or in a non-Swedish motor vehicle is used within Swedish territory, the provisions of the

¹ *Supra* Chapter II, 2 (a).

² *Svensk författningssamling*, 1967, No. 448. Came into force on 1 July 1967. Notice No. 796 of 3 November 1939 concerning use within Swedish territory of radio installations and receiving sets on board foreign vessels and aircraft has been repealed.

International Telecommunication Convention and of the Radio Regulations for the time being in force shall be complied with.

In the case of aircraft, the regulations on radio communications which apply to air traffic within Swedish territory shall also be complied with.

Article 7

A radio receiver on board a foreign vessel or aircraft or in a non-Swedish motor vehicle may be used within Swedish territory unless the Telecommunication Department has issued a prohibition against or imposed a restriction upon such use.

Article 8

Regulations shall be made by the Telecommunication Department concerning the sealing of, or other measures in respect of, a radio transmitter or receiver which is in an area in which it may not be used.

...

Article 10

Any person who contravenes the provisions of this Notice or of regulations made thereunder shall be liable to a fine or to imprisonment for a term of not more than one year.

The provisions of the first paragraph shall not apply to a radio transmitter or receiver on board a warship or military aircraft or in a military motor vehicle.

Article 11

The provisions of article 338 of the Merchant Shipping Act in respect of courts shall apply as appropriate where an offence as referred to in article 10 of the present Act is committed on board a vessel.

3. UNITED KINGDOM

MARINE AND BROADCASTING (OFFENCES) ACT 1967 (1967 Chapter 41; 14 July 1967)

1. *Prohibition of broadcasting from ships and aircraft*

(1) It shall not be lawful for a broadcast to be made from a ship or aircraft while it is in or over the United Kingdom or external waters, nor shall it be lawful for a broadcast to be made from a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the United Kingdom or external waters.

...

2. *Prohibition of broadcasting from marine structures*

(1) It shall not be lawful for a broadcast to be made from—

(a) a structure in external waters or in tidal waters in the United Kingdom,

being a structure affixed to, or supported by, the bed of those waters and not being a ship; or

(b) any other object in such waters, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

and if a broadcast is made in contravention of the foregoing provision, every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures the making of a broadcast in contravention of the foregoing subsection shall be guilty of an offence.

3. *Prohibition of acts connected with broadcasting from certain ships and aircraft, and from marine structures outside the United Kingdom*

(1) If a broadcast is made—

(a) from a ship other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands while the ship is on the high seas; or

(b) from an aircraft other than one so registered while the aircraft is on or over the high seas; or

(c) from a structure on the high seas, being a structure affixed to, or supported by, the bed of those seas and not being a ship; or

(d) from any other object on those seas, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

any of the persons mentioned in subsection (3) below who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

...

9. *Interpretation*

(1) In this Act—

“broadcast” means a broadcast by wireless telegraphy of sounds or visual images intended for general reception (whether the sounds or images are actually received by any person or not), but does not include a broadcast consisting in a message or signal sent in connection with navigation or for the purpose of securing safety;

“external waters” means the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the territorial waters adjacent thereto;

“the high seas” means the seas outside the seaward limits of the territorial waters adjacent to the United Kingdom or to any country or territory outside the United Kingdom;

“ship” includes every description of vessel used in navigation;

“wireless telegraphy”, “wireless telegraphy apparatus” and “wireless telegraphy licence” have the same meanings respectively as in the Wireless Telegraphy Act 1949.

(2) For the purposes of this section, the seaward limits of the territorial waters adjacent to the United Kingdom shall be determined by reference to the baseline established by the Territorial Waters Order in Council 1964 or by any

subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

4. UNION OF SOVIET SOCIALIST REPUBLICS

REGULATIONS¹ CONCERNING THE USE OF RADIO EQUIPMENT BY FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

The Council of People's Commissars² of the USSR hereby decrees that:

1. Foreign military and non-military vessels situated within the limits of the sea frontier of the USSR or in inland waters of the USSR³ at a distance of ten miles from the shore may use their radio equipment only in accordance with the provisions of this decree.

2. Foreign non-military vessels situated within the area of radio stations on shore may not transmit and receive radio messages except in the cases mentioned in article 7 of this decree.

3. Foreign non-military vessels situated in ports that are more than ten miles in a direct line from the nearest radio station, and foreign non-military vessels within the limits of the Sea of Azov, may use the ship's radio only by special written permission of the harbour-master of the relevant commercial port, such permission being granted for a specified period or on each separate occasion on which the vessel visits the ports 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 shall be given permission by the harbour-master of the commercial port to transmit and receive radio messages only by agreement with the local representatives of the relevant public authority.

4. The local naval command shall be entitled to restrict the transmission and reception 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 harbour-master of the nearest commercial port shall be responsible for securing compliance with the provisions of article 2 of this decree.

6. Foreign vessels anchored in quarantine and requiring to communicate by radio with the local shore radio station may in exceptional cases use either their

¹ *Notices to Mariners* of 1 January 1967, issue 1, No. 9. The text of the Regulations in substance identical with that of Act No. 431 of 24 July 1928 concerning the use of radio equipment on foreign vessels within the territorial waters of the Union, published in ST/LEG/SER.B/6, p. 258, except paragraph 5. The translation was revised.

² Now the Council of Ministers, as observed in a note in the *Notices to Mariners*.

³ Within the limits of the territorial sea and the internal waters, as mentioned in a note in *Notices to Mariners*.

main transmitter at minimum power or a low-powered ship's radio on the days and at the times notified to them by the said station.

7. The restrictions on the use of a ship's radio laid down in articles 2 to 6 of this decree shall not apply to: (a) vessels in danger or vessels transmitting messages to avert an accident, (b) vessels assisting other vessels in distress or (c) the escorting of vessels through ice.

On entering a port with shore radio stations, a foreign vessel may, in especially important cases, conclude a radio conversation commenced with the port, but only if it transfers to minimum power or to a low-powered set.

8. In all cases where a ship's radio is used in accordance with this decree, a foreign military or non-military vessel shall comply with the applicable regulations for international radio communication adopted by the USSR and also with the regulations relating to internal radio communication within the USSR. Upon arrival in ports of the USSR, foreign vessels shall be informed by the competent local naval or port authorities of unpublished regulations relating to internal radio communication.

9. Radio messages transmitted and received 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 commanding officer or master of a foreign vessel shall be the person empowered to negotiate with the authorities on all questions arising out of this decree.

11. The provisions of this decree shall have effect only if the USSR is not at war and only in respect of vessels flying the flag of a non-belligerent State.

12. Persons who violate the provisions of this decree shall be liable to prosecution under the criminal law of the Union Republic concerned.

...

Chapter IX

EXPLOITATION¹ OF MINERAL RESOURCES AND THE LAYING² OF CABLES AND PIPELINES UNDER THE TERRITORIAL SEA

1. AUSTRALIA

- (a) PETROLEUM (SUBMERGED LANDS) ACT³ 1967 (No. 118 of 1967; 22 November 1967)
- (b) PETROLEUM (ASHMORE AND CARTIER ISLANDS) ACT³ 1967 (No. 124 of 1967; 22 November 1967)

STATES OF AUSTRALIA

NEW SOUTH WALES

- (a) *Mining Act*,⁴ 1906-1967 (No. 67 of 1967; 7 December 1967)
- (b) *Petroleum (Submerged Lands) Act*, 1967 (No. 70 of 1967; 7 December 1967) *
- (c) *Petroleum (Submerged Lands) Taxation Act*, 1967 (No. 70 of 1967; 7 December 1967) *

SOUTH AUSTRALIA

- (a) *Fibre and Sponges Act*, 1909-1937 (No. 2369 of 1937; 15 December 1937)

...

3. Interpretation

In this Act, and in regulations made under this Act, unless inconsistent with the context or the subject matter—

...

“fibre” means the fibre known as *Posidonia Australis*;

...

¹ See also *infra* DIVISION II. Some of the texts reproduced there may be of relevance also in relation to mineral resources under the territorial sea.

² See also *infra* DIVISION III. Some of the texts reproduced there may be of relevance in relation to laying cables and pipelines under the territorial sea.

³ *Infra* DIVISION II, 2 (a) and (b), respectively.

⁴ *Infra* DIVISION II, 2, *States of Australia*, New South Wales (a).

“sea” includes any inlet or arm of the sea:

...

4. *Licences may be granted*

The Commissioner, or any person authorised by him, may grant licences in respect of any portions of the foreshore and of the lands which, being overflowed by the territorial waters of the sea, adjoin such portions of the foreshore, for the purpose of obtaining and removing fibre and sponges or either therefrom: Provided that—

- I. no licence shall be granted in respect of any place situated within one mile of any jetty, wharf, pier, breakwater, or harbour, or of any place disapproved by the Commissioner;
- II. any application for a licence may be refused entirely in the discretion of the Commissioner;
- III. in the granting or renewal of any licence, all other matters being equal, preference shall be given to applicants who undertake to establish a manufacturing industry in the said State in respect of fibre and sponges, or either, according to the nature of the licence.

(b) *Mining (Petroleum) Act*,¹ 1940—*General Regulations (31 July 1941)* *

(c) *Mining (Petroleum) Act, 1940-1967 (No. 75 of 1967; 23 November 1967)* *

TASMANIA

*Petroleum (Submerged Lands) Act*¹ 1967 (*No. 63 of 1967; 20 December 1967*) *

VICTORIA

(a) *Underseas Mineral Resources Act 1963 (No. 7095, 10 December 1963) as amended, section 2*¹

(b) *Petroleum (Submerged Lands) Act*¹ 1967 (*No. 7591, 28 November 1967*) *

2. COSTA RICA

ACT NO. 3977 OF 20 OCTOBER 1967 APPROVING A CONTRACT FOR THE EXPLOITATION AND EXPLORATION OF PETROLEUM AND OTHER HYDROCARBONS, clause 1 of the Contract²

¹ *Infra* DIVISION II, 2, *States of Australia*, South Australia (a) and (b); Tasmania and Victoria (a) and (b).

² *Infra* DIVISION II, 7.

3. DENMARK

- (a) ACT NO. 181 OF 8 MAY 1950 CONCERNING PROSPECTING FOR AND EXPLOITATION OF RAW MATERIALS IN THE SUBSOIL OF THE KINGDOM OF DENMARK, articles 1-11¹
- (b) ORDER NO. 372 OF 7 NOVEMBER 1963 CONCERNING AN EXCLUSIVE CONCESSION FOR THE PROSPECTING AND EXPLOITATION OF HYDROCARBONS AND THE LIKE IN THE SUBSOIL OF DENMARK, articles 1, 3(1), 6, 10, 12(1), 13¹
- (c) ACT¹ NO. 166 OF 12 MAY 1965 CONCERNING MINERAL RAW MATERIALS IN GREENLAND

4. GHANA

MINERAL ACT 1962 (ACT NO. 126 OF 14 JUNE 1962) AS AMENDED²

5. GREECE

In Greece, there is no special legislation regulating the exploitation of natural resources of the sea-bed and its subsoil. In accordance with the Greek Law on Mining, exploitation of, and research in natural resources of the sea-bed are reserved to the State. The State, however, may grant private individuals or corporations the right of research or exploitation by special contract.³

6. GUATEMALA

- (a) PETROLEUM CODE, ENACTED BY DECREE NO. 345 OF 7 JULY 1955, articles 1, 2, 4 and 6⁴
- (b) PETROLEUM CODE REGULATIONS, ENACTED BY DECREE NO. 342 OF 22 APRIL 1965*

¹ *Infra* DIVISION II, 10 (a), (c) and (d), respectively.

² By the Territorial Waters and Continental Shelf Act 1963; *infra* DIVISION II, 16 (b).

³ The information was provided in a *note verbale* No. 2319 of 6 June 1968 from the Permanent Mission of Greece to the United Nations.

⁴ *Infra* DIVISION II, 18 (a).

- (c) MINING CODE, ENACTED BY THE LEGISLATIVE DECREE NO. 342 OF 22 APRIL 1965, articles 1 and 115¹
- (d) CONSTITUTION OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965, articles 3, 129, 130 and 134²
- (e) GOVERNMENTAL DECREES³ OF 20 JANUARY 1967 CONCERNING THE ZONES OF RESERVES OF SULPHUR AND IRON DEPOSITS

7. INDIA

(a) CONSTITUTION OF INDIA

...

Article 297

Things of value lying within territorial waters or continental shelf to vest in the Union—All lands, minerals and other things of value underlying the ocean within the territorial waters or the continental shelf⁴ of India shall vest in the Union and be held for the purposes of the Union.

(b) OILFIELDS (REGULATION AND DEVELOPMENT ACT) 1948*

(c) PETROLEUM AND NATURAL GAS RULES,⁵ 1959

8. IRAN

ACT⁶ OF 31 JULY 1957 ON SURVEY, EXPLORATION AND EXPLOITATION OF THE OIL RESOURCES IN THE IRANIAN TERRITORY AND ITS CONTINENTAL SHELF

¹ *Ibid.* (c).

² *Supra* Chapter I, 18 (b).

³ *Infra* DIVISION II, 18 (e).

⁴ The words "or the continental shelf" were inserted by the Constitution (Fifteenth Amendment) Act.

⁵ *Infra* DIVISION II, 20 (c).

⁶ *Infra* DIVISION II, 21 (b).

9. ITALY

ACT No. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT No. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, articles 1-3, 9-10, 13, 16, 18, 27, 34, 49, 55¹

10. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT No. 58 OF 1966), sections 2, 3, 4(1), second schedule, sections 14-15, 21-22²

11. NEW ZEALAND

(a) PETROLEUM ACT 1937 (No. 27 of 1937: 11 December 1937), sections 2-5, 50 and 79³

(b) PETROLEUM REGULATIONS 1939 (15 March 1939), section 29⁴

(c) SUBMARINE CABLES AND PIPELINES PROTECTION ACT⁵ 1966 (No. 5 of 1966; 2 September 1966)

12. NICARAGUA

(a) DECREE No. 316 OF 12 MARCH 1958. GENERAL ACT ON THE EXPLOITATION OF NATURAL RESOURCES, articles 2 and 3⁶

(b) DECREE No. 372 OF 2 DECEMBER 1958. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF PETROLEUM, articles 1-4⁶

(c) DECREE No. 1067 OF 20 MARCH 1965. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF MINES AND QUARRIES, articles 1-2⁶

(d) DECREE No. II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 MILES, articles 1-3⁷

¹ *Infra* DIVISION II, 24.

² *Infra* DIVISION II, 27 (b).

³ *Infra* DIVISION II, 31 (a). Petroleum Act 1937 was extended to the continental shelf by section 4 of the Continental Shelf Act 1964.

⁴ *Ibid.* (b).

⁵ *Infra* DIVISION III, 18 (c).

⁶ *Infra* DIVISION II, 32 (a), (b), (c), respectively.

⁷ *Infra* DIVISION IV, 23 (b).

13. NIGERIA

- (a) MINERAL OILS ACT (CHAPTER 120) AN ORDINANCE TO REGULATE THE RIGHT TO SEARCH FOR, WIN AND WORK MINERAL OILS (No. 17 of 1914; 31 December 1914)¹

...

3. *Licence or lease required for searching for or working mineral oils. Saving as to licences and leases granted under Ordinance repealed*

It shall not be lawful for any person to search or drill for or work mineral oils within or under any lands in Nigeria except under a licence or lease granted by the Governor-General under this Ordinance: Provided that nothing in this Ordinance contained shall affect any licence or lease granted under any Ordinance repealed by this Ordinance, which licence or lease shall for all purposes have effect as if this Ordinance had not been made.

Penalty:—Fine of five hundred pounds, or imprisonment for twelve months, and forfeiture of all mineral oils raised, won or gotten.

...

6. *Powers conferred upon Governor-General to be exercised subject to certain conditions*

(1) The powers conferred upon the Governor-General by sections 4 and 5 shall be exercised subject to the following conditions:—

(a) no lease or licence shall be granted except to a British subject or to a British company registered in Great Britain or in a British colony, and having its principal place of business within Her Majesty's dominions, the chairman and the managing director (if any) and the majority of the other directors of which are British subjects;

(b) every lease and licence shall be granted subject to the condition that the lessee or licensee shall pay (i) to any person in lawful occupation of the land, such compensation for disturbance of surface rights, and (ii) in the case of land which is neither Crown land nor land declared to be native land under the Land and Native Rights Ordinance to the owner or owners of the land such compensation for the exercise of the rights, powers and liberties conferred by the lease or licence as the Governor-General may from time to time determine.

(2) The condition (a) in subsection (1) shall be omitted in the application of this Ordinance to the Cameroons under United Kingdom Trusteeship.

(3)² The Governor-General may waive the restriction specified in paragraph (b) of subsection (1) in respect of any lease or licence if there is provision therein that the lessee or licensee may be required (unless he is able to show that he would incur substantial tax disabilities by so doing) to form a company

¹ As reprinted in *The Laws of the Federation of Nigeria and Lagos in force on 1 June 1958*. Revised Edition, 1959.

² Sub-section 3 has been amended by the Mineral Oils Act, 1962. See *infra* under (c).

incorporated in Nigeria at any time after five years from the date of the first commercial export of oil from Nigeria for the purpose of transferring to such locally incorporated company the rights exercised under such lease or licence.

...

10. *Submarine areas*

Submarine areas beneath the territorial waters shall be deemed to be lands for the purposes of this Ordinance, and the provisions of this Ordinance, with the exception of the provisions of paragraph (b) of section 6, shall apply to all such areas with such verbal modifications not affecting the substance of the said provisions as are necessary to make them applicable.

(b) MINERAL OILS ACT (CHAPTER 120), THE MINERAL OILS (SAFETY) REGULATIONS, 1963 (11 April 1962)*

(c) MINERAL OILS ACT, 1962 (No. 24 of 13 September 1962)

1. *Correction and repeal of provisions of Cap. 120*

In subsection (3) of section six of the Mineral Oils Act the reference to paragraph (b) of subsection (1) shall, as respects the period beginning with the commencement of that Act and ending with the thirtieth day of September, nineteen hundred and sixty, be deemed to have been a reference to paragraph (a) of subsection (1); and the said paragraph (a) and subsections (2) and (3) of that section shall be deemed to have been repealed at the end of that day.

14. SINGAPORE¹

15. SPAIN

ACT OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS, articles 1, 2, 5, 6, 9, 57, 58, 61²

16. SWEDEN

REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 6³

¹ *Infra* DIVISION II, 38.

² *Infra* DIVISION II, 40 (a).

³ *Infra* DIVISION II, 41 (b).

17. UNITED KINGDOM

- (a) MINERAL ORDINANCE, 1962 (NO. 14 OF 1962), sections 2-6, 10-11¹
- (b) MINING (MINERAL OIL) ORDINANCE, 1963 (NO. 7 OF 1963), sections 2-5, 10-11²

18. UNITED STATES OF AMERICA

(a) SUBMERGED LANDS ACT,³ 22 MAY 1953

SEC. 2. WHEN USED IN THIS ACT—

Lands beneath navigable waters

(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 heretofore 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;

Boundaries

(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 heretofore approved by the Congress, or as extended or confirmed pursuant to section 4 hereof but in no event shall the term “boundaries” or the 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;

¹ *Infra* DIVISION II. 45 Seychelles (a).

² *Ibid.*, (b).

³ 67 Stat. 29.

Coast line

(c) 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;

Grantees and lessees

(d) The terms “grantees” and “lessees” include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however*, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

Natural resources

(e) 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;

(f) The term “lands beneath navigable waters” does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

(g) The term “State” means any State of the Union;

Person

(h) The term “person” includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

TITLE II

LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SEC. 3. RIGHTS OF THE STATES.—

Title and powers

(a) It is hereby 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 hereby, 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;

Claims of U.S.

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States hereby releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on the effective date of this Act, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

Leases in effect on June 5, 1950

(c) The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or here to fore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within ninety days from the effective date hereof (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the

Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

Rights of U.S. respecting navigation, etc.

(d) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

Surface waters west of 98th meridian

(e) Nothing in this Act shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

SEC. 4. SEAWARD BOUNDARIES.—The seaward boundary of each original coastal State is hereby 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 hereby 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 Congress.

SEC. 5. EXCEPTIONS FROM OPERATION OF SECTION 3 OF THIS ACT.—There is excepted from the operation of section 3 of this Act—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union (otherwise than by a general retention or cession of lands underlying the marginal sea); all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all

lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

Sec. 6. POWERS RETAINED BY THE UNITED STATES.—(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this Act.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

5 USC 485; 16 USC 460d, 825s; 30 USC 35, 36, 38, 43, 46, 47, 51, 52; 33 USC 701a-1, 701c, 701f, 701j and notes, 708, 709; 43 USC 321-323, 325, 327-329, 372-498 *passim*, 661, 766

Sec. 7. Nothing in this Act shall be deemed to amend, modify, or repeal the Acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto.

Sec. 8. Nothing contained in this Act shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this Act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this Act.

Resources seaward of Continental Shelf

Sec. 9. Nothing in this Act shall be deemed to affect in any wise the rights 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 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

SEC. 10. Executive Order Numbered 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", is hereby revoked insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof.

SEC. 11. SEPARABILITY.—If any provision of this Act, or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3 (a) 1, 3 (a) 2, 3 (b) 1, 3 (b) 2, 3 (b) 3, or 3 (c) or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.

(b) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966 (17 June 1966), section 8¹

19. YUGOSLAVIA

BASIC LAW OF 18 FEBRUARY 1966 ON MINERAL ORES, articles 3 and 4²

¹ *Infra* DIVISION II, 46 (d).

² *Infra* DIVISION II, 49 (b).

Sub-Division B. The Contiguous Zone

1. AUSTRALIA

WIRELESS TELEGRAPHY ACT 1905-1967
(No. 59 of 1967; 11 September 1967), section 6A¹

STATES OF AUSTRALIA

QUEENSLAND

Queensland Marine Acts, 1958 to 1967; (No. 1 of 1967; 2 March 1967), sections 167 and 168²

SOUTH AUSTRALIA

Harbors Act, 1936-1967 (No. 53 of 1967, 9 November 1967), section 90 (1)³

TASMANIA

Marine Act 1921-1967 (No. 57 of 1967; 7 December 1967), section 96⁴

2. BRAZIL

DECREE-LAW⁵ NO. 44 OF 18 NOVEMBER 1966

*(Changes the limits of the territorial waters of Brazil, establishes a contiguous zone and makes other provisions)***

...

Art. 2—A contiguous zone of six maritime miles in width, measured from the outside limit of the territorial waters, is under the jurisdiction of the United

¹ *Supra* SUB-DIVISION A, Chapter VIII, 1 (a).

² *Supra* SUB-DIVISION A, Chapter II, 2, *States of Australia*, Queensland.

³ *Ibid.*, South Australia.

⁴ *Ibid.*, Tasmania.

⁵ See also *supra* SUB-DIVISION A, Chapter I, 3, Law-Decree No. 56 of 28 April 1969 extending from six to twelve nautical miles the breadth of the territorial sea.

States of Brazil in anything pertaining to the prevention and repression of infractions of Brazilian law insofar as our customs, fiscal, sanitary or immigration police are concerned.

Art. 3—In a zone of six maritime miles measured from the outside limits of our territorial waters (Art. 1), the United States of Brazil has the same exclusive rights over fishing, of jurisdiction over the subject of fishing, and of exploitation of the living resources of the sea, which we hold in our territorial waters.

3. CAMEROON

LOI N° 67(LF)25 DU 3 NOVEMBRE 1967 MODIFIANT L'ARTICLE 5 DU CODE DE LA MARINE MARCHANDE CAMEROUNAISE¹

4. CANADA

CUSTOMS ACT, AS AMENDED, section 2 (1) (b)²

5. COLOMBIA

(a) CUSTOMS LAW NO. 79 OF 19 JUNE 1931, article 363³

(b) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE, article 80⁴

6. CUBA

LEGISLATIVE DECREE NO. 1948 OF 25 JANUARY 1955, article 2⁵

¹ *Supra* SUB-DIVISION A, Chapter I, 6.

² R.S.C. Vol. 2, Chap. 58. Most recently, by the Territorial Sea and Fishing Zones Act (13 Eliz II, Chap. 22), paragraph (b) of subsection (1) of section 2 was repealed (see ST/LEG/SER.B/1, p. 54 and ST/LEG/SER.B/8, p. 19) and the text contained in section 11 of the Territorial Sea and Fishing Zones Act was substituted therefore (*supra* SUB-DIVISION A, Chapter I, 7 (b)).

³ *Supra* SUB-DIVISION A, Chapter I, 8 (d).

⁴ *Ibid.*, (e).

⁵ *Supra* SUB-DIVISION A, Chapter I, 9 (f).

7. CYPRUS

The Republic of Cyprus does not claim any contiguous zone beyond its territorial sea¹

8. DAHOMEY

DÉCRET GOUVERNEMENTAL N° 74/PR/MTPPT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY, article 2²

9. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF, articles 3-6³

10. FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany has no contiguous zone. Consequently, there are no laws nor treaty provisions relating to it.⁴

11. GAMBIA

TERRITORIAL SEA AND CONTIGUOUS ZONE ACT,⁵ 1968 (NO. 4 OF 19 APRIL 1968), AS AMENDED⁶

...

3. *Contiguous Zone*

It is hereby declared that Her Majesty in right of Her Government of The Gambia may in the zone of the high seas contiguous to the territorial sea of The

¹ The information was provided by the Ministry of Foreign Affairs of the Republic of Cyprus in a *note verbale* of 4 April 1967.

² *Supra* SUB-DIVISION A, Chapter I, 11.

³ *Supra* SUB-DIVISION A, Chapter I, 13.

⁴ The information was provided by the Acting Permanent Observer of the Federal Republic of Germany to the United Nations in a note of 29 December 1967.

⁵ *Supra* SUB-DIVISION A, Chapter I, 16.

⁶ By the Territorial Sea and Contiguous Zone (Amendments) Act, 1969 (No. 9 of 10 July 1969).

Gambia and extending seawards to a line eighteen nautical miles from low-water mark exercise control necessary to prevent and punish the infringement of any law or right of The Gambia.

12. IRAQ

(a) OFFICIAL PROCLAMATION OF 23 NOVEMBER 1957¹

(b) PROCLAMATION OF 10 APRIL 1958²

(c) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958, paragraph 4³

(d) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS, article 4⁴

13. IVORY COAST

DÉCRET N° 67-334 DU 1^{er} AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 2⁵

14. KUWAIT

DECREE OF 17 DECEMBER 1967 FIXING THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT, article 6⁶

15. MAURITANIA

LOI N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE, livre VIII, chapitre II, article 5⁷

¹ *Infra* DIVISION II, 22 (a).

² *Supra* SUB-DIVISION A, Chapter I, 22 (a).

³ *Ibid.* (b).

⁴ *Ibid.* (c).

⁵ *Supra* SUB-DIVISION A, Chapter I, 24.

⁶ *Supra* DIVISION II, 26.

⁷ *Infra* DIVISION IV, 10 (a).

16. MEXICO

GENERAL ACT¹ OF 31 DECEMBER 1941 ON NATIONAL PROPERTY, AS AMENDED

...

Article 17. ...

I. ...

II. ...

“In waters adjacent to the territorial sea the Federation may take, up to a distance established by special laws, such police or defence measures as it may consider necessary.”

17. NEW ZEALAND

TERRITORIAL SEA AND FISHING ZONE ACT 1965 (No. 11 of 1965; 10 September 1965),
section 8²

18. NORWAY

CUSTOMS ACT OF 10 JUNE 1966, articles 2 and 4³

19. PORTUGAL

ACT⁴ No. 2130 OF 22 AUGUST 1966*

...

Article III

The Portuguese State exercises in the zone of the high seas contiguous to its territorial sea, to a distance of twelve miles from the baseline, the powers conferred upon it by international law, particularly the control necessary to:

¹ *Supra* SUB-DIVISION A, Chapter I, 30 (b).

² See DIVISION IV, 22 (e).

³ *Supra* SUB-DIVISION A, Chapter IV, 6 (a).

⁴ See also article IV, *supra* SUB-DIVISION A, Chapter I, 36 (a).

- (a) Prevent and punish infringement of its customs, fiscal, sanitary or immigration regulations within its territory or territorial sea;
- (b) Provide for self-defence, as recognized in international law, in cases of emergency or when it considers that the national security is threatened.

20. SAUDI ARABIA

ROYAL DECREE CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958)

...

Article 8. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and health matters, maritime surveillance may be exercised in a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the base line of the territorial sea, in accordance with Article 5 of this Decree¹.

21. SENEGAL

- (a) LOI RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES ET DANS LA ZONE CONTIGUË AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-46 du 21 juin 1961), articles 2 et 3²
- (b) LOI PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-51 du 21 juin 1961), article 2³

22. SWEDEN

- (a) ROYAL ORDER NO. 65 OF 3 APRIL 1934 FOR THE EXECUTION OF THE AGREEMENT OF 29 DECEMBER 1933 BETWEEN FINLAND AND SWEDEN FOR A COMMON SURVEILLANCE SERVICE FOR PREVENTING THE ILLICIT IMPORTATION OF ALCOHOLIC BEVERAGES, AS AMENDED BY ROYAL NOTICE NO. 463 OF 30 JUNE 1960, article 3⁴

¹ See *supra*, SUB-DIVISION A, Chapter I, 37.

² *Infra* DIVISION IV, 29.

³ Voir aussi article 4, *supra* SUB-DIVISION A, Chapter I, 38.

⁴ *Supra* SUB-DIVISION A, Chapter IV, 8 (b).

- (b) NOTICE NO. 13 OF 24 JANUARY 1936 CONCERNING THE AGREEMENT OF 28 OCTOBER 1935 BETWEEN SWEDEN AND DENMARK, AS AMENDED BY ROYAL NOTICE NO. 464 OF 30 JUNE 1960, articles 1, 3 and 4¹
- (c) ACT No. 419 OF 30 JUNE 1960 CONCERNING THE PROHIBITION IN CERTAIN CASES OF THE IMPORT OF ALCOHOLIC BEVERAGES, article 4²

23. TOGO³

24. TURKEY

ACT CONCERNING THE TERRITORIAL SEA (LAW No. 476 OF 15 MAY 1964), article 8⁴

25. UNITED STATES OF AMERICA

- (a) TARIFF ACT, 17 JUNE 1930, AS AMENDED⁵

Section 1581—Boarding vessels

...

(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 \$1,000.⁶

...

Section 1583—Certification of manifest

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or coast guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the original manifest to the inspection thereof and return the same to the master

¹ *Ibid.* (c).

² *Ibid.* (e).

³ *Supra* DIVISION II, 42.

⁴ *Infra* DIVISION IV, 36.

⁵ 19 U.S.C. 1581 (1964). Except for the provision quoted above, the text reproduced in ST/LEG/SER.B/1, pp. 101-106 remains unchanged.

⁶ As amended by the Act, 1 September 1954.

or other person in charge. (June 17, 1930, ch. 497, title IV, section 583, 46 Stat. 748.)¹

(b) ANTI-SMUGGLING ACT, 5 AUGUST 1935, AS AMENDED^{2*}

26. VENEZUELA

(a) ACT OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION OF FISHERIES AND AIR SPACE, article 3³

(b) NATIONAL CONSTITUTION OF 23 JANUARY 1961, article 7⁴

27. WESTERN SAMOA

No attempt has yet been made to claim jurisdiction over a contiguous zone.⁵

28. YUGOSLAVIA

LAW⁶ OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

Article 18

The contiguous zone is a belt of 2 nautical miles, measured from the outer limit of the territorial sea towards the high seas.

Article 19

In the contiguous zone the competent organ shall exercise the control for the purpose of preventing violations of customs, fiscal and sanitary regulations and regulations relating to the passage of the frontier which could be committed on land and in the marginal seas, as well as for the purpose of punishing the violations of these regulations.

¹ As amended, 2 August 1956, ch. 887 section 4 (c), 70 Stat. 948.

² Act, 5 August 1935, ch. 438, title IV, § 403, 49 Stat. 529; 19 U.S.C. 1701-1709 (1964). The text reproduced in ST/LEG/SER.B/1, pp. 107-112 remains unchanged except for section 1702 which has been repealed (25 June 1948, ch. 645, § 21, 62 Stat. 862).

³ *Supra* SUB-DIVISION A, Chapter I, 50 (a).

⁴ *Ibid* (b).

⁵ The information was submitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

⁶ *Supra* SUB-DIVISION A, Chapter I, 53. English text provided by the Permanent Mission of Yugoslavia to the United Nations.