

## DIVISION II.<sup>1</sup> THE CONTINENTAL SHELF

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### 1. ARGENTINA

ACT No. 17.094—M.24 OF 29 DECEMBER 1966 CONCERNING THE TERRITORIAL SEA  
AND THE ADJACENT SUBMARINE ZONES, articles 2 and 4<sup>2</sup>

### 2. AUSTRALIA

(a) PETROLEUM (SUBMERGED LANDS) ACT 1967<sup>3</sup> (No. 118 of 1967; 22 November 1967)

#### PART I. PRELIMINARY

...

#### 5. *Interpretation*

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

...

“adjacent area” means an area specified in the Second Schedule to this Act as being adjacent to a State or Territory and “the adjacent area”, in relation to a State or Territory, means the area specified in the Second Schedule to this Act as being adjacent to that State or Territory;

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<sup>1</sup> DIVISION II concerning the continental shelf is closely connected with DIVISION I, SUB-DIVISION A, Chapter IX concerning exploitation of mineral resources, etc. in the territorial sea. Some of the texts reproduced in DIVISION II have been quoted, at least in part, in background papers—issued in official languages of the United Nations—prepared by the Secretariat of the United Nations for various United Nations bodies engaged in the study of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction: see e.g. Survey of existing international agreements concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national legislation (A/AC.135/10/Rev. 1), Survey of national legislation concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction (A/AC.135/11, A/AC.135/11/Corr. 1 and A/AC.135/11/Add. 1, A/AC.135/1/Add. 1 and A/AC.138/9).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 1 (a).

<sup>3</sup> The individual States of Australia enacted laws similar in substance to this Act: New South Wales, Petroleum (Submerged Lands) Act 1967; Queensland, Petroleum (Submerged Lands) Act of 1967; South Australia, Mining (Petroleum) Act, 1940-1967; Tasmania, Petroleum (Submerged Lands) Act 1967; Victoria, Petroleum (Submerged Lands) Act 1967; see *infra*, *States of Australia*.

...

“the continental shelf” means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia or of a Territory not forming part of the Commonwealth;

“the Convention”<sup>1</sup> means the Convention entitled “Convention on the Continental Shelf” signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight, being the Convention a copy of which in the English language is set out in the First Schedule to this Act;

...

#### 6. *Spaces above and below adjacent areas*

For the purposes of this Act and the regulations—

(a) the space above or below an adjacent area shall be deemed to be in that area; and

(b) the space above or below an area that is part of an adjacent area shall be deemed to be in that part.

#### 7. *Extension to certain Territories*<sup>2</sup>

This Act extends to the following Territories of the Commonwealth:—

(a) the Territory of Papua;

(b) the Territory of New Guinea; and

(c) the Territory of Ashmore and Cartier Islands.

#### 8. *Application of Act*

This Act applies to all natural persons, whether Australian citizens or not, and whether resident in the Commonwealth or a Territory or not, and to all corporations, whether incorporated or carrying on business in the Commonwealth or a Territory or not.

### PART II. APPLICATION OF LAWS

#### 9. *Application of laws in areas adjacent to States*

(1.) Subject to this Act, the provisions of the laws in force in a State, whether written or unwritten, and as in force from time to time, and the provisions of any instrument made under any of those laws, apply in the adjacent area.

(2.) The provisions referred to in the last preceding sub-section apply to and in relation to all acts, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the

<sup>1</sup> *Infra* PART II, DIVISION II, SUB-DIVISION A, 1.

<sup>2</sup> Petroleum (Ashmore and Cartier Islands) Act 1967, No. 124 of 1967; 22 November 1967, extended the application of Petroleum (Submerged Lands) Act 1967 to the Territory of Ashmore and Cartier Islands. See *infra* (b).

adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil, and not otherwise, and so apply as if that area were part of that State and of the Commonwealth.

- (3.) This section does not—
  - (a) extend to the provisions of any law or instrument—
    - (i) in so far as they apply to or in relation to exploration for, or operations for the recovery of, petroleum;
    - (ii) in so far as they apply to or in relation to the construction or operation of pipelines;
    - (iii) in so far as they are incapable of application in the adjacent area; or
    - (iv) in so far as they are expressed not to extend to or apply in the adjacent area; or
  - (b) affect the operation that any law has apart from this section;

...

#### 10. *Jurisdiction of State courts*

(1.) Subject to this section, the several courts of a State are invested with federal jurisdiction in all matters arising under the applied provisions having effect in the adjacent area.

...

### PART III. MINING FOR PETROLEUM

...

#### *Division 2. Exploration Permits for Petroleum*

#### 19. *Exploration for petroleum*

A person shall not explore for petroleum in an adjacent area—

- (a) except under and in pursuance of a permit; or
- (b) except as otherwise provided by this Part.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

#### 28. *Rights conferred by permit*

A permit, while it remains in force, authorizes the permittee, subject to this Act and the regulations and in accordance with the conditions to which the permit is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.

...

#### 33. *Conditions of permit*

(1.) A permit may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the permit.

*Division 3. Production Licences for Petroleum*

39. *Recovery of petroleum in adjacent area*

A person shall not carry on operations for the recovery of petroleum in an adjacent area—

- (a) except under and in pursuance of a licence; or
- (b) except as otherwise provided by this Part.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

52. *Rights conferred by licence*

A licence, while it remains in force, authorizes the licensee, subject to this Act and the regulations and in accordance with the conditions to which the licence is subject—

- (a) to carry on operations for the recovery of petroleum in the licence area;
- (b) to explore for petroleum in the licence area; and
- (c) to carry on such operations and execute such works in the licence area as are necessary for those purposes.

...

56. *Conditions of licence*

A licence may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the licence.

...

*Division 4. Pipeline Licences*

60. *Construction, etc., of pipelines, etc.*

(1.) A person shall not, in an adjacent area, commence, or continue, the construction of a pipeline except under and in pursuance of a pipeline licence.

(2.) A person shall not, in an adjacent area, alter or reconstruct a pipeline except under and in pursuance of a pipeline licence.

(3.) A person shall not, in an adjacent area, operate a pipeline—

- (a) except under and in pursuance of a pipeline licence; and
- (b) unless he has obtained the consent of the Designated Authority under section 75 of this Act to the commencement or resumption, as the case may be, of operations and commences or resumes operations in accordance with the conditions, if any, specified in the instrument of consent.

(4.) A person shall not, in an adjacent area, commence, or continue, the construction of, alter, reconstruct or operate a water line, pumping station, tank station, valve station or secondary line—

- (a) except under and in pursuance of a pipeline licence; or
- (b) except with the consent in writing of the Designated Authority and in accordance with the conditions, if any, specified in the instrument of consent.

(5.) The Designated Authority may, for reasons that he thinks sufficient, refuse to give his consent under any provision of this section.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

#### 97. *Work practices*

(1.) A permittee or licensee shall carry out all petroleum exploration operations and operations for the recovery of petroleum in the permit area or licence area in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about the permit area or licence area.

(2.) In particular, and without limiting the generality of the last preceding sub-section, a permittee or licensee shall—

(a) control the flow and prevent the waste or escape in the permit area or licence area of petroleum or water;

(b) prevent the escape in the permit area or licence area of any mixture of water or drilling fluid with petroleum or any other matter;

(c) prevent damage to petroleum-bearing strata in an area, whether in the adjacent area or not, in respect of which the permit or licence is not in force;

(d) keep separate—

(i) each petroleum pool discovered in the permit area or licence area; and

(ii) such of the sources of water, if any, discovered in that area as the Designated Authority, by instrument in writing served on that person, directs; and

(e) prevent water or any other matter entering any petroleum pool through wells in the permit area or licence area except when required by, and in accordance with, good oil-field practice.

(3.) A pipeline licensee shall operate the pipeline in a proper and workmanlike manner and shall secure the safety, health and welfare of persons engaged in operations in connexion with the pipeline.

(4.) In particular and without limiting the generality of the last preceding sub-section, a pipeline licensee shall prevent the waste or escape of petroleum or water from the pipeline or from any secondary line, pumping station, tank station, valve station or water line.

(5.) A person who is the holder of a special prospecting authority or an access authority shall carry out all petroleum exploration operations in the area in respect of which the special prospecting authority or access authority is in force in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about that area.

(6.) It is a defence if a person charged with failing to comply with a provision of this section, or a defendant in an action arising out of a failure by the defendant to comply with a provision of this section, proves that he took all reasonable steps to comply with that provision.

Penalty: Two thousand dollars.

...

100. *Drilling near boundaries*

(1.) A permittee or licensee shall not make a well any part of which is less than one thousand feet from a boundary of the permit area or licence area, as the case may be, except with the consent in writing of the Designated Authority and in accordance with such conditions, if any, as are specified in the instrument of consent.

...

106. *Cancellation of permit, etc., not affected by other provisions*

(1.) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled on the ground that the registered holder of the permit, licence or pipeline licence has not complied with a provision of this Part or of the regulations notwithstanding that he has been convicted of an offence by reason of his failure to comply with the provision.

...

107. *Removal of property, etc., by permittee, etc.*

(1.) Where a permit, licence or pipeline licence has been wholly determined, partly determined, wholly cancelled or partly cancelled or has expired, the Designated Authority may, by instrument in writing served on the person who was, or is, as the case may be, the permittee, licensee or pipeline licensee, direct that person to do any one or more of the following things:—

(a) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence or to make arrangements that are satisfactory to the Designated Authority with respect to that property;

(b) to plug or close off, to the satisfaction of the Designated Authority, all wells made in that area by any person engaged or concerned in those operations;

(c) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area; and

(d) to make good, to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.

...

108. *Removal of property, etc., by Designated Authority*

Where a permit, licence or pipeline licence has been wholly determined, partly determined, wholly cancelled or partly cancelled or has expired and a direction under the last preceding section has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area—

(a) the Designated Authority may do all or any of the things required by the direction or arrangement to be done; and

(b) if any property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence has not been removed in accordance with the direction or arrangement, the Designated Authority

may, by instrument published in the *Gazette*, direct that the owner or owners of that property shall remove it from that area, or dispose of it to the satisfaction of the Designated Authority, within the period specified in the instrument and shall serve a copy of the instrument on each person whom he believes to be an owner of that property or any part of that property.

...

#### 119. *Safety zones*

(1.) For the purpose of protecting a well or structure, or any equipment, in an adjacent area, the Designated Authority may, by instrument published in the *Gazette*, prohibit—

- (a) all vessels;
- (b) all vessels other than specified vessels; or
- (c) all vessels other than the vessels included in specified classes of vessels, from entering or remaining in a specified area (in this section called a “safety zone”) surrounding the well, structure or equipment without the consent in writing of the Designated Authority.

(2.) A safety zone specified in an instrument under the last preceding sub-section may extend to a distance of five hundred metres around the well, structure or equipment specified in the instrument measured from each point of the outer edge of the well, structure or equipment.

(3.) Where a vessel enters or remains in a safety zone specified in an instrument under sub-section (1.) of this section in contravention of the instrument, the owner and the person in command or in charge of the vessel are each guilty of an offence against this section and are punishable, upon conviction, by a penalty not exceeding a fine of Ten thousand dollars.

#### 120. *Discovery and use of water*

Where water is discovered in a permit area or in a licence area, the permittee or licensee, as the case may be, shall, within a period of one month after the date of the discovery, furnish to the Designated Authority, in writing, particulars of the discovery.

Penalty: Two thousand dollars.

...

#### 123. *Scientific investigations*

(1.) The Designated Authority may, by instrument in writing, consent to the carrying on in an adjacent area by any person of petroleum exploration operations in the course of a scientific investigation.

(2.) An instrument of consent under the last preceding sub-section may be made subject to such conditions, if any, as are specified in the instrument.

(3.) An instrument of consent in force under sub-section (1.) of this section authorizes the person specified in the instrument, subject to the next succeeding section and in accordance with the conditions, if any, to which the instrument is subject, to carry on, in the adjacent area so specified, petroleum exploration operations so specified in the course of the scientific investigation so specified.

124. *Interference with other rights*

A person carrying on operations in an adjacent area under a permit, licence, pipeline licence, special prospecting authority, access authority or instrument of consent under the last preceding section shall carry on those operations in a manner that does not interfere with—

- (a) navigation;
  - (b) fishing;
  - (c) the conservation of the resources of the sea and sea-bed; or
  - (d) any operations of another person being lawfully carried on by way of exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or by way of construction or operation of a pipeline,
- to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty: Two thousand dollars.

...

127. *Property in petroleum*

Subject to this Act and to any rights of other persons, upon recovery of any petroleum by a permittee or licensee in the permit area or licence area, the petroleum becomes the property of the permittee or licensee.

SECOND SCHEDULE<sup>1</sup>*Section 5**Areas Adjacent to States and Territories*

The adjacent area in respect of a State or Territory is the area the boundary of which is described in this Schedule in relation to that State or Territory, to the extent only that that area includes—

- (a) areas of territorial waters; and
- (b) areas of superjacent waters of the continental shelf.

*Area Adjacent to the State of New South Wales*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the geodesic between the trigonometrical station known as Point Danger near Point Danger and a point of Latitude 27° 58' South, Longitude 154° East and runs thence north-easterly along that geodesic to the last-mentioned point, thence north-easterly along the geodesic to a point of Latitude 27° 48' South, Longitude 154° 22' East, thence easterly along the geodesic to a point of Latitude 27° 30' 35" South, Longitude 160° East, thence southerly along the meridian of Longitude 160° East to its intersection by the parallel of Latitude 39° 12' South, thence south-westerly along the geodesic to a point of Latitude 40° 40' South, Longitude 158° 53' East, thence north-westerly

<sup>1</sup> Areas adjacent to the individual states are also defined in corresponding Acts of new South Wales (First schedule), Queensland (Second schedule), Tasmania (Second schedule), Victoria (Third schedule); see *infra* *States of Australia*.



along the geodesic to a point of Latitude 37° 35' South, Longitude 150° 10' East, thence north-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria, thence along the coastline of the State of New South Wales at mean low water to the point of commencement.

*Area Adjacent to the State of Victoria*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria and runs thence south-easterly along the geodesic to a point of Latitude 37° 35' South, Longitude 150° 10' East, thence south-easterly along the geodesic to a point of Latitude 40° 40' South, Longitude 158° 53' East, thence south-westerly along the geodesic to a point of Latitude 41° 30' South, Longitude 158° 13' East, thence north-westerly along the geodesic to a point of Latitude 39° 12' South, Longitude 150° East, thence westerly along the parallel of Latitude 39° 12' South to its intersection by the meridian of Longitude 142° 30' East, thence south-westerly along the geodesic to a point of Latitude 39° 50' South, Longitude 142° East, thence south-westerly along the geodesic to a point of Latitude 44° South, Longitude 136° 29' East, thence north-easterly along the geodesic to a point of Latitude 38° 40' 48" South, Longitude 140° 40' 44" East, thence north-easterly along the geodesic to a point of Latitude 38° 35' 30" South, Longitude 140° 44' 37" East, thence north-easterly along the geodesic to a point of Latitude 38° 26' South, Longitude 140° 53' East, thence north-easterly along the geodesic to a point of Latitude 38° 15' South, Longitude 140° 57' East, thence north-easterly along the geodesic to a point that is the intersection of the parallel of Latitude 38° 10' South by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria, thence northerly along that meridian to its intersection by the coastline at mean low water, thence along the coastline of the State of Victoria at mean low water to the point of commencement.

*Area Adjacent to the State of Queensland*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland and runs thence north-easterly along the geodesic to a point of Latitude 15° 55' South, Longitude 138° 30' East, thence northerly along the meridian of Longitude 138° 30' East to its intersection by the parallel of Latitude 14° 30' South, thence easterly along that parallel to its intersection by the meridian of Longitude 139° 15' East, thence northerly along that meridian to its intersection by the parallel of Latitude 11° South, thence north-westerly along the geodesic to a point of Latitude 10° 51' South, Longitude 139° 12' 30" East, thence north-easterly along the geodesic to a point of Latitude 10° 11' 15" South, Longitude 140° 04' 45" East, thence north-easterly along the geodesic to a point of Latitude 10° South, Longitude 140° 21' 15" East, thence north-easterly along the geodesic to a point of Latitude 9° 52' 30" South, Longitude 140° 30' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 38' South, Longitude 141° East, thence north-easterly along the geodesic to a point of Latitude 9° 30' South, Longitude 141° 35' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 45" South, Longitude

142° 00' 15" East, thence easterly along the parallel of Latitude 9° 10' 45" South to its intersection by the meridian of Longitude 142° 04' 45" East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 09' East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 30" South, Longitude 142° 16' East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 18' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 14' 45" South, Longitude 142° 21' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 21' 30" South, Longitude 142° 33' 15" East, thence north-easterly along the geodesic to a point of Latitude 9° 08' 15" South, Longitude 143° 52' 15" East, thence south-easterly along the geodesic to a point of Latitude 9° 24' 30" South, Longitude 144° 13' 45" East, thence north-easterly along the geodesic to a point of Latitude 9° South, Longitude 144° 45' East, thence easterly along the parallel of Latitude 9° South to its intersection by the meridian of Longitude 145° 13' East, thence south-easterly along the geodesic to a point of Latitude 9° 15' South, Longitude 145° 20' East, thence south-easterly along the geodesic to a point of Latitude 10° 45' South, Longitude 145° 40' East, thence south-easterly along the geodesic to a point of Latitude 12° 10' South, Longitude 146° 25' East, thence south-easterly along the geodesic to a point of Latitude 12° 50' South, Longitude 147° 40' East, thence southerly along the meridian of Longitude 147° 40' East to its intersection by the parallel of Latitude 14° South, thence westerly along that parallel to its intersection by the meridian of Longitude 146° 55' East, thence southerly along that meridian to its intersection by the parallel of Latitude 17° 05' South, thence easterly along that parallel to its intersection by the meridian of Longitude 147° 45' East, thence southerly along that meridian to its intersection by the parallel of Latitude 18° 30' South, thence easterly along that parallel to its intersection by the meridian of Longitude 150° 50' East, thence southerly along that meridian to its intersection by the parallel of Latitude 20° South, thence easterly along that parallel to its intersection by the meridian of Longitude 151° 30' East, thence southerly along that meridian to its intersection by the parallel of Latitude 20° 25' South, thence easterly along that parallel to its intersection by the meridian of Longitude 153° 05' East, thence southerly along that meridian to its intersection by the parallel of Latitude 22° 50' South, thence easterly along that parallel to its intersection by the meridian of Longitude 153° 40' East, thence southerly along that meridian to its intersection by the parallel of Latitude 23° 15' South, thence easterly along that parallel to its intersection by the meridian of Longitude 154° East, thence southerly along that meridian to its intersection by the parallel of Latitude 23° 50' South, thence easterly along that parallel to its intersection by the meridian of Longitude 155° 15' East, thence southerly along that meridian to its intersection by the parallel of Latitude 25° South, thence easterly along that parallel to its intersection by the meridian of Longitude 158° 35' East, thence south-easterly along the geodesic to a point of Latitude 27° 30' 35" South, Longitude 160° East, thence westerly along the geodesic to a point of Latitude 27° 48' South, Longitude 154° 22' East, thence south-westerly along the geodesic to a point of Latitude 27° 58' South, Longitude 154° East, thence south-westerly along the geodesic between the last-mentioned point and the trigonometrical station known as Point Danger near Point Danger to its intersection by the coastline at mean low water, thence along the coastline of the State of Queensland at mean low water to the point of commencement.

*Area Adjacent to the State of South Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence southerly along the meridian through that point to its intersection by the parallel of Latitude  $38^{\circ} 10'$  South, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 15'$  South, Longitude  $140^{\circ} 57'$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 26'$  South, Longitude  $140^{\circ} 53'$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 35' 30''$  South, Longitude  $140^{\circ} 44' 37''$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 40' 48''$  South, Longitude  $140^{\circ} 40' 44''$  East, thence south-westerly along the geodesic to a point of Latitude  $44^{\circ}$  South, Longitude  $136^{\circ} 29'$  East, thence westerly along the parallel of Latitude  $44^{\circ}$  South to its intersection by the meridian of Longitude  $129^{\circ}$  East, thence northerly along that meridian to its intersection by the parallel of Latitude  $31^{\circ} 45'$  South, thence northerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence along the coastline of the State of South Australia at mean low water to the point of commencement.

*Area Adjacent to the State of Western Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly along the geodesic to a point of Latitude  $31^{\circ} 45'$  South, Longitude  $129^{\circ}$  East, thence southerly along the meridian of Longitude  $129^{\circ}$  East to its intersection by the parallel of Latitude  $44^{\circ}$  South, thence westerly along that parallel to its intersection by the meridian of Longitude  $110^{\circ}$  East, thence northerly along that meridian to its intersection by the parallel of Latitude  $17^{\circ}$  South, thence north-easterly along the geodesic to a point of Latitude  $12^{\circ} 24'$  South, Longitude  $121^{\circ} 24'$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 56'$  South, Longitude  $122^{\circ} 06'$  East, thence south-easterly along the geodesic to a point of Latitude  $13^{\circ} 20'$  South, Longitude  $122^{\circ} 41'$  East, thence easterly along the geodesic to a point of Latitude  $13^{\circ} 19' 30''$  South, Longitude  $123^{\circ} 16' 45''$  East, thence easterly along the parallel of Latitude  $13^{\circ} 19' 30''$  South to its intersection by the meridian of Longitude  $124^{\circ} 27' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $13^{\circ} 13' 15''$  South, Longitude  $124^{\circ} 36' 15''$  East, thence north-easterly along the geodesic to a point of Latitude  $12^{\circ} 46' 15''$  South, Longitude  $124^{\circ} 55' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 51'$  South, Longitude  $125^{\circ} 27' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 44' 30''$  South, Longitude  $125^{\circ} 31' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 21' 30''$  South, Longitude  $126^{\circ} 10' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 13'$  South, Longitude  $126^{\circ} 26' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 05'$  South, Longitude  $126^{\circ} 47' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 13' 15''$  South, Longitude  $127^{\circ} 32'$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 48'$  South, Longitude  $127^{\circ} 53' 45''$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 26' 30''$  South, Longitude  $128^{\circ} 22'$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 32' 45''$  South, Longitude  $128^{\circ} 24'$  East,

thence south-easterly along the geodesic to a point of Latitude 12° 55' 30" South, Longitude 128° 28' East, thence southerly along the meridian of Longitude 128° 28' East to its intersection by the parallel of Latitude 13° 15' 30" South, thence south-easterly along the geodesic to a point of Latitude 13° 39' 45" South, Longitude 128° 30' 45" East, thence south-easterly along the geodesic to a point of Latitude 13° 49' 45" South, Longitude 128° 33' 15" East, thence south-easterly along the geodesic to a point of Latitude 14° South, Longitude 128° 42' 15" East, thence south-easterly along the geodesic to a point of Latitude 14° 19' 30" South, Longitude 128° 53' East, thence south-easterly along the geodesic to a point of Latitude 14° 32' 30" South, Longitude 129° 01' 15" East, thence southerly along the geodesic to a point of Latitude 14° 37' 30" South, Longitude 129° 01' 45" East, thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia, thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

*Area Adjacent to the State of Tasmania*

The area the boundary of which commences at a point of Latitude 39° 12' South, Longitude 142° 30' East and runs thence easterly along the parallel of Latitude 39° 12' South to its intersection by the meridian of Longitude 150° East, thence south-easterly along the geodesic to a point of Latitude 41° 30' South, Longitude 158° 13' East, thence south-westerly along the geodesic to a point of Latitude 45° South, Longitude 150° East, thence south-easterly along the geodesic to a point of Latitude 56° South, Longitude 165° East, thence westerly along the parallel of Latitude 56° South to its intersection by the meridian of Longitude 155° East, thence north-westerly along the geodesic to a point of Latitude 45° South, Longitude 140° East, thence north-westerly along the geodesic to a point of Latitude 44° South, Longitude 136° 29' East, thence north-easterly along the geodesic to a point of Latitude 39° 50' South, Longitude 142° East, thence north-easterly along the geodesic to the point of commencement.

*Area Adjacent to the Northern Territory of Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia and runs thence northerly along the geodesic to a point of Latitude 14° 37' 30" South, Longitude 129° 01' 45" East, thence northerly along the geodesic to a point of Latitude 14° 32' 30" South, Longitude 129° 01' 15" East, thence north-westerly along the geodesic to a point of Latitude 14° 19' 30" South, Longitude 128° 53' East, thence north-westerly along the geodesic to a point of Latitude 14° South, Longitude 128° 42' 15" East, thence north-westerly along the geodesic to a point of Latitude 13° 49' 45" South, Longitude 128° 33' 15" East, thence north-westerly along the geodesic to a point of Latitude 13° 39' 45" South, Longitude 128° 30' 45" East, thence north-westerly along the geodesic to a point of Latitude 13° 15' 30" South, Longitude 128° 28' East, thence northerly along the meridian of Longitude 128° 28' East to its intersection by the parallel of Latitude 12° 55' 30" South, thence north-westerly along the geodesic to a point of Latitude 12° 32' 45" South, Longitude 128° 24' East, thence north-westerly along the geodesic to a point of Latitude 12° 26' 30" South, Longitude 128° 22' East, thence north-westerly along the geodesic to a point

of Latitude  $11^{\circ} 48'$  South, Longitude  $127^{\circ} 53' 45''$  East, thence north-westerly along the geodesic to a point of Latitude  $11^{\circ} 13' 15''$  South, Longitude  $127^{\circ} 32'$  East, thence north-westerly along the geodesic to a point of Latitude  $10^{\circ} 05'$  South, Longitude  $126^{\circ} 47' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 53' 45''$  South, Longitude  $127^{\circ} 18' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 25'$  South, Longitude  $128^{\circ}$  East, thence easterly along the parallel of Latitude  $9^{\circ} 25'$  South to its intersection by the meridian of Longitude  $129^{\circ} 38'$  East, thence north-easterly along the geodesic to a point of Latitude  $8^{\circ} 53'$  South, Longitude  $133^{\circ} 21'$  East, thence north-easterly along the geodesic to a point of Latitude  $8^{\circ} 52' 15''$  South, Longitude  $133^{\circ} 24' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $9^{\circ} 23' 15''$  South, Longitude  $134^{\circ} 47' 30''$  East, thence easterly along the geodesic to a point of Latitude  $9^{\circ} 20' 30''$  South, Longitude  $135^{\circ} 06' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 08' 15''$  South, Longitude  $135^{\circ} 28' 45''$  East, thence south-easterly along the geodesic to a point of Latitude  $9^{\circ} 50' 30''$  South, Longitude  $137^{\circ} 34'$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 01'$  South, Longitude  $138^{\circ} 03'$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 16' 45''$  South, Longitude  $138^{\circ} 32' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 44' 45''$  South, Longitude  $139^{\circ} 09' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 51'$  South, Longitude  $139^{\circ} 12' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ}$  South, Longitude  $139^{\circ} 15'$  East, thence southerly along the meridian of Longitude  $139^{\circ} 15'$  East to its intersection by the parallel of Latitude  $14^{\circ} 30'$  South, thence westerly along that parallel to its intersection by the meridian of Longitude  $138^{\circ} 30'$  East, thence southerly along that meridian to its intersection by the parallel of Latitude  $15^{\circ} 55'$  South, thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland, thence along the coastline of the Northern Territory of Australia at mean low water to the point of commencement.

*Area Adjacent to the Territory of Ashmore and Cartier Islands*

The area the boundary of which commences at a point of Latitude  $12^{\circ} 24'$  South, Longitude  $121^{\circ} 24'$  East and runs thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 33'$  South, Longitude  $123^{\circ} 14'$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 17'$  South, Longitude  $123^{\circ} 24' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 26' 18''$  South, Longitude  $123^{\circ} 40'$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 21'$  South, Longitude  $124^{\circ} 08' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 55' 45''$  South, Longitude  $124^{\circ} 27'$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 37' 15''$  South, Longitude  $125^{\circ} 41' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 21' 30''$  South, Longitude  $126^{\circ} 10' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $11^{\circ} 44' 30''$  South, Longitude  $125^{\circ} 31' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $11^{\circ} 51'$  South, Longitude  $125^{\circ} 27' 45''$  East, thence south-westerly along the geodesic to a point of Latitude  $12^{\circ} 46' 15''$  South, Longitude  $124^{\circ} 55' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $13^{\circ} 13' 15''$  South, Longitude  $124^{\circ} 36' 15''$  East, thence south-westerly along the geodesic to a

point of Latitude 13° 19' 30" South, Longitude 124° 27' 45" East, thence westerly along the parallel of Latitude 13° 19' 30" South to its intersection by the meridian of Longitude 123° 16' 45" East, thence westerly along the geodesic to a point of Latitude 13° 20' South, Longitude 122° 41' East, thence north-westerly along the geodesic to a point of Latitude 12° 56' South, Longitude 122° 06' East, thence north-westerly along the geodesic to the point of commencement.

*Area Adjacent to the Territory of Papua*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and the Territory of Papua and runs thence north-easterly along the geodesic to a point of Latitude 7° 59' 20" South, Longitude 148° 01' 30" East, thence north-easterly along the geodesic to a point of Latitude 7° 50' 45" South, Longitude 148° 06' 15" East, thence north-easterly along the geodesic to a point of Latitude 7° 22' South, Longitude 148° 16' 45" East, thence north-easterly along the geodesic to a point of Latitude 7° 16' South, Longitude 148° 55' East, thence south-easterly along the geodesic to a point of Latitude 7° 31' South, Longitude 149° 15' East, thence north-easterly along the geodesic to a point of Latitude 7° 22' South, Longitude 149° 42' East, thence north-easterly along the geodesic to a point of Latitude 7° 18' South, Longitude 150° 10' East, thence easterly along the geodesic to a point of Latitude 7° 19' South, Longitude 150° 25' East, thence easterly along the geodesic to a point of Latitude 7° 13' South, Longitude 151° 05' East, thence easterly along the geodesic to a point of Latitude 7° 10' South, Longitude 152° 40' East, thence north-easterly along the geodesic to a point of Latitude 7° 05' South, Longitude 153° 10' East, thence south-easterly along the geodesic to a point of Latitude 7° 18' South, Longitude 153° 30' East, thence south-easterly along the geodesic to a point of Latitude 7° 35' South, Longitude 153° 48' East, thence south-easterly along the geodesic to a point of Latitude 8° 50' South, Longitude 155° 08' East, thence south-easterly along the geodesic to a point of Latitude 9° 18' South, Longitude 155° 18' East, thence south-westerly along the geodesic to a point of Latitude 10° 9' South, Longitude 154° 41' East, thence south-easterly along the geodesic to a point of Latitude 10° 45' South, Longitude 154° 55' East, thence south-easterly along the geodesic to a point of Latitude 14° 07' South, Longitude 156° 35' East, thence south-westerly along the geodesic to a point of Latitude 14° 28' South, Longitude 155° 03' East, thence south-westerly along the geodesic to a point of Latitude 14° 45' South, Longitude 154° 15' East, thence north-westerly along the geodesic to a point of Latitude 14° 15' South, Longitude 152° 15' East, thence north-westerly along the geodesic to a point of Latitude 13° 50' South, Longitude 151° 29' East, thence north-westerly along the geodesic to a point of Latitude 13° 12' South, Longitude 149° 40' East, thence north-westerly along the geodesic to a point of Latitude 13° 05' South, Longitude 148° 35' East, thence north-westerly along the geodesic to a point of Latitude 12° 50' South, Longitude 147° 40' East, thence north-westerly along the geodesic to a point of Latitude 12° 10' South, Longitude 146° 25' East, thence north-westerly along the geodesic to a point of Latitude 10° 45' South, Longitude 145° 40' East, thence north-westerly along the geodesic to a point of Latitude 9° 15' South, Longitude 145° 20' East, thence north-westerly along the geodesic to a point of Latitude 9° South, Longitude 145° 13' East, thence westerly along the parallel of Latitude 9° South to its intersection by the meridian of Longitude

144° 45' East, thence south-westerly along the geodesic to a point of Latitude 9° 24' 30" South, Longitude 144° 13' 45" East, thence north-westerly along the geodesic to a point of Latitude 9° 08' 15" South, Longitude 143° 52' 15" East, thence south-westerly along the geodesic to a point of Latitude 9° 21' 30" South, Longitude 142° 33' 15" East, thence north-westerly along the geodesic to a point of Latitude 9° 14' 45" South, Longitude 142° 21' 30" East, thence north-westerly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 18' 30" East, thence north-westerly along the geodesic to a point of Latitude 9° 10' 30" South, Longitude 142° 16' East, thence south-westerly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 09' East, thence north-westerly along the geodesic to a point of Latitude 9° 10' 45" South, Longitude 142° 04' 45" East, thence westerly along the parallel of Latitude 9° 10' 45" South to its intersection by the meridian of Longitude 142° 00' 15" East, thence south-westerly along the geodesic to a point of Latitude 9° 30' South, Longitude 141° 35' 30" East, thence south-westerly along the geodesic to a point of Latitude 9° 38' South, Longitude 141° East, thence south-westerly along the geodesic to a point of Latitude 9° 52' 30" South, Longitude 140° 30' 30" East, thence north-easterly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Territory of Papua and West Irian, thence along the coastline of the Territory of Papua at mean low water to the point of commencement.

*Area Adjacent to the Territory of New Guinea*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and West Irian and runs thence north-westerly along the geodesic to a point of Latitude 2° 30' South, Longitude 140° 56' East, thence north-westerly along the geodesic to a point of Latitude 2° 25' South, Longitude 140° 55' East, thence north-easterly along the geodesic to a point of Latitude 1° South, Longitude 141° 22' East, thence north-westerly along the geodesic to a point of Latitude 0° 47' North, Longitude 140° 49' East, thence north-westerly along the geodesic to a point of Latitude 2° 41' North, Longitude 140° 46' East, thence easterly along the geodesic to a point of Latitude 2° 40' North, Longitude 142° 05' East, thence easterly along the geodesic to a point of Latitude 2° 44' North, Longitude 143° 05' East, thence north-easterly along the geodesic to a point of Latitude 2° 47' North, Longitude 143° 26' East, thence north-easterly along the geodesic to a point of Latitude 3° 19' North, Longitude 145° 10' East, thence north-easterly along the geodesic to a point of Latitude 3° 23' North, Longitude 145° 43' East, thence south-easterly along the geodesic to a point of Latitude 3° 17' North, Longitude 146° 38' East, thence south-easterly along the geodesic to a point of Latitude 3° 12' North, Longitude 147° 01' East, thence south-easterly along the geodesic to a point of Latitude 2° 41' North, Longitude 147° 58' East, thence easterly along the geodesic to a point of Latitude 2° 46' North, Longitude 150° 22' East, thence south-easterly along the geodesic to a point of Latitude 2° 22' North, Longitude 151° 02' East, thence south-easterly along the geodesic to a point of Latitude 0° 19' South, Longitude 152° 45' East, thence south-easterly along the geodesic to a point of Latitude 1° South, Longitude 153° 58' East, thence easterly along the geodesic to a point of Latitude 1° 05' South, Longitude 157° 40' East, thence north-easterly along the geodesic to a point of Latitude 1° 01' South, Longitude 157° 51' East, thence north-easterly along the geodesic to a point of Latitude

0° 53' North, Longitude 160° 04' East, thence south-easterly along the geodesic to a point of Latitude 0° 15' North, Longitude 161° 46' East, thence south-easterly along the geodesic to a point of Latitude 3° 55' South, Longitude 163° 58' East, thence south-westerly along the geodesic to a point of Latitude 4° 53' South, Longitude 160° 08' East, thence north-westerly along the geodesic to a point of Latitude 4° 46' South, Longitude 158° 58' East, thence north-westerly along the geodesic to a point of Latitude 4° 35' South, Longitude 158° 12' East, thence south-westerly along the geodesic to a point of Latitude 5° 52' South, Longitude 157° 53' East, thence westerly along the geodesic to a point of Latitude 5° 51' South, Longitude 157° 23' East, thence north-westerly along the geodesic to a point of Latitude 5° 38' South, Longitude 156° 32' East, thence south-westerly along the geodesic to a point of Latitude 6° 23' South, Longitude 156° 15' East, thence south-westerly along the geodesic to a point which lies 9½ admiralty nautical miles north 23° east true from Cape Friendship, thence southerly along the geodesic to a point which lies 4 admiralty nautical miles south 84° east true from Cape Friendship, thence south-westerly along the geodesic to a point which lies 2½ admiralty nautical miles south 36° east true from Cape Friendship, thence south-westerly along the geodesic to a point which lies 2 admiralty nautical miles south 38° east true from the southernmost point of the peninsula which bounds the harbour of Tonolei on the east, thence southerly along the geodesic to a point which lies 3½ admiralty nautical miles south 19° east true from the southernmost point of that peninsula, thence south-westerly along the geodesic to a point which lies 4 admiralty nautical miles south true from the southernmost point of that peninsula, thence north-westerly along the geodesic to a point which lies 3½ admiralty nautical miles south 45° west true from the southernmost point of that peninsula, thence south-westerly along the geodesic to a point which lies 6 admiralty nautical miles south 40° west true from the southernmost point of that peninsula, thence westerly along the geodesic to a point which lies 4½ admiralty nautical miles north 85° east true from Moila Point, thence south-westerly along the geodesic to a point which lies 4 admiralty nautical miles south 66° east true from Moila Point, thence south-westerly along the geodesic to a point which lies 5½ admiralty nautical miles south 53° west true from Moila Point, thence north-westerly along the geodesic to a point which lies 8½ admiralty nautical miles south 78° west true from Moila Point, thence south-westerly along the geodesic to a point of Latitude 7° 11' South, Longitude 155° 27' East, thence south-westerly along the geodesic to a point of Latitude 7° 14' South, Longitude 155° 04' East, thence south-westerly along the geodesic to a point of Latitude 7° 27' South, Longitude 154° 06' East, thence south-westerly along the geodesic to a point of Latitude 7° 35' South, Longitude 153° 48' East, thence north-westerly along the geodesic to a point of Latitude 7° 18' South, Longitude 153° 30' East, thence north-westerly along the geodesic to a point of Latitude 7° 05' South, Longitude 153° 10' East, thence south-westerly along the geodesic to a point of Latitude 7° 10' South, Longitude 152° 40' East, thence westerly along the geodesic to a point of Latitude 7° 13' South, Longitude 151° 05' East, thence westerly along the geodesic to a point of Latitude 7° 19' South, Longitude 150° 25' East, thence westerly along the geodesic to a point of Latitude 7° 18' South, Longitude 150° 10' East, thence south-westerly along the geodesic to a point of Latitude 7° 22' South, Longitude 149° 42' East, thence south-westerly along the geodesic to a point of Latitude 7° 31' South, Longitude 149° 15' East, thence north-westerly along the geodesic to a point of Latitude 7° 16' South, Longitude 148° 55' East, thence south-westerly along the



geodesic to a point of Latitude 7° 22' South, Longitude 148° 16' 45" East, thence south-westerly along the geodesic to a point of Latitude 7° 50' 45" South, Longitude 148° 06' 15" East, thence south-westerly along the geodesic to a point of Latitude 7° 59' 20" South, Longitude 148° 01' 30" East, thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and the Territory of Papua, thence along the coastline of the Territory of New Guinea at mean low water to the point of commencement.

- (b) PETROLEUM (ASHMORE AND CARTIER ISLANDS) ACT 1967 (No. 124 of 1967; 22 November 1967)

### Section 3

#### *Application of Petroleum (Submerged Lands) Act*

(1.) The Petroleum (Submerged Lands) Act 1967, and any Act with which that Act is incorporated, have effect in relation to the Territory of Ashmore and Cartier Islands as though the adjacent area in relation to that Territory included the area, whether land or water, within the territorial limits of that Territory and as though the land within those limits were beneath the sea and were portion of the sea-bed and subsoil of that adjacent area.

## STATES OF AUSTRALIA

### NEW SOUTH WALES

- (a) *Mining Act, 1906-1967* (No. 67 of 1967, 7 December 1967)

...

### 3. *Interpretation*

...

(2) The provisions of this Act shall, subject to such modifications as may be prescribed, apply to and in respect of the sea-bed and subsoil of the continental shelf (within the meaning of the Convention entitled "Convention<sup>1</sup> on the Continental Shelf" signed at Geneva on the twenty-ninth day of April, one thousand nine hundred and fifty-eight and to which Australia is a party) that is adjacent to the State of New South Wales, as if such sea-bed and subsoil were Crown lands within that State.

- (b) *Petroleum (Submerged Lands) Act, 1967*<sup>2</sup> (No. 69 of 1967, 7 December 1967)

- (c) *Petroleum (Submerged Lands) Taxation Act, 1967*<sup>2</sup> (No. 70 of 1967, 7 December 1967)

<sup>1</sup> *Infra* PART II, DIVISION II, SUB-DIVISION A, 1.

<sup>2</sup> The content of the Act is similar in substance to that of Petroleum (Submerged Lands) Act 1967 of Australia. See *supra* 2, (a).

## QUEENSLAND

(a) *Mineral Resources (Adjacent Submarine Areas) Act*<sup>1</sup> of 1964 (No. 26 of 1964; 14 April 1964)

...

2. *Exploration and exploitation of adjacent submarine areas.* (1) It is hereby declared that subject to this Act the provisions of "*The Mining Acts, 1898 to 1955*", "*The Coal Mining Acts, 1925 to 1964*", and "*The Petroleum Acts, 1923 to 1962*" (hereinafter referred to as "the said Acts"), extend and apply and shall be deemed always to have extended and applied—

(a) to the sea-bed and its subsoil within the territorial limits of the State of Queensland and its Dependencies; and

(b) (for the purpose of the more effectual exploration and exploitation of the mineral resources thereof) to the sea-bed and its subsoil of the adjacent submarine areas outside such territorial limits to a depth of two hundred metres or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas (including the sea-bed and its subsoil of similar submarine areas adjacent to the coasts of islands forming part of the State of Queensland and its Dependencies) to the same extent as if such sea-bed and subsoil were within the territorial limits of the State of Queensland and its Dependencies.

The submarine areas referred to in paragraph (b) of subsection (1) of this section include and shall be deemed always to have included all areas the right of the State of Queensland and its Dependencies to explore and exploit the natural resources of which is recognised under or by virtue of the principles of international law or is derived from or acquired under or by virtue of any statute, letters patent, commission, proclamation, order in council, rule of law, usage, prescription, exercise of dominium, acquiescence, or is otherwise derived or acquired, or is inherent in or appertains or is incidental to the said State and its Dependencies. Without limiting in any way the above description, such submarine areas in particular include and shall be taken always to have included the sea-bed and its subsoil within the boundaries described by "*The Queensland Coast Islands Act of 1879*". The areas described in this paragraph are hereinafter in this Act referred to as "the said submarine areas".

3. *Minerals property of Crown.* For the purpose of the application of the said Acts to the said submarine areas coal, petroleum, gold, silver and other minerals, fluids whether gaseous or in liquid form, compounds, combinations and other exploitable substances and whether of the above kinds or otherwise, on or in the sea-bed or its subsoil of any such area shall be deemed to be and always to have been the property of the Crown in the same way and to the same extent as minerals on or below the surface of land (including land covered by water whether by the sea or otherwise) within the territorial limits of the State of Queensland and its Dependencies have been and are the property of the Crown and they shall be dealt with accordingly.

<sup>1</sup> In accordance with its section 160, in case of inconsistency, the provisions of Petroleum (Submerged Lands) Act of 1967 shall prevail over those of this Act.

4. *Application of Acts.* Without in any way limiting the generality of the other provisions of this Act it is hereby expressly declared and provided so far as is necessary for the carrying out of the purposes of this Act, and subject to the provisions of section 6 hereof, the said Acts shall apply and be deemed always to have applied—

(a) as if references to land, and land within Queensland, referred to and included land covered by water, and whether by the sea or otherwise; and such land shall be deemed to include and always to have included the sea-bed and its subsoil within territorial limits or within the said submarine areas as the case may require;

(b) *mutatis mutandis*.

(b) *Petroleum (Submerged Lands) Act*<sup>1</sup> of 1967 (No. 36 of 1967; 6 December 1967) \*

#### SOUTH AUSTRALIA

(a) *Mining (Petroleum) Act 1940—General Regulations (31 July 1941)* \*

(b) *Mining (Petroleum) Act 1940-1967 (No. 75 of 1967; 23 November 1967)* <sup>2</sup>\*

#### TASMANIA

*Petroleum (Submerged Lands) Act 1967 (No. 63 of 1967; 20 December 1967)*<sup>2</sup>

#### VICTORIA

(a) *Underseas Mineral Resources Act 1963 (No. 7095, 10 December 1963), as amended*<sup>3</sup>

...

#### 2. *Application of Mines Act 1958 and Petroleum Act 1958 to certain submarine mineral resources*

(1) For the purpose of encouraging the exploration and exploitation of the mineral resources of the sea-bed and its subsoil it is hereby declared that the provisions of the *Mines Act 1958* extend and apply and shall be deemed to have always extended and applied to the sea-bed and its subsoil within the territorial limits of Victoria and to those parts of the sea-bed and its subsoil of the submarine areas outside such territorial limits to which the jurisdiction and legislative power of the State of Victoria extends in the same manner and to the same extent as if such sea-bed and subsoil were land within Victoria.

(2) In the application of the said *Mines Act 1958* gold, silver, uranium, thorium and other minerals found on or in such sea-bed or subsoil shall be deemed to be the property of the Crown.

<sup>1</sup> The content of the Act is similar in substance to that of *Petroleum (Submerged Lands) Act 1967* of Australia. See *supra* 2 (a).

<sup>2</sup> The content of this Act is similar in substance to that of *Petroleum (Submerged Lands) Act 1967* of Australia. *Supra* 2 (a).

<sup>3</sup> By *Petroleum (Submerged Lands) Act 1967*.

(3) It is hereby declared that the power to make regulations or by-laws conferred upon the Governor in Council by the *Mines Act* 1958 shall extend and apply and shall be deemed to have always extended and applied to the making of regulations or by-laws of general application or of a specially limited application for or with respect to the exploration and exploitation of the mineral resources of such sea-bed and its subsoil.

(b) PETROLEUM (SUBMERGED LANDS) ACT 1967 (No. 7591; 28 November 1967)<sup>1\*</sup>

### 3. BRAZIL

#### DECREE<sup>2</sup> No. 28.840 OF 8 NOVEMBER 1950

*(Declares the underwater shelf adjacent to national territory to be an integral part of it and sets forth other provisions)*

...

Considering that the underwater shelf, which borders on the continents and islands and juts out into the high seas, is in fact a submerged territory, and, together with the land to which it lies adjacent, constitutes a single geographic unit;

Considering that the interests of a declaration of sovereignty, or of the domain and jurisdiction of Nations, over the part thus added to their national territory, have become more vital as a consequence of the ever-increasing possibility, of the investigation or application of the natural wealth there to be found;

Considering that, as a result, several States of the Americas, by means of Presidential declarations or decrees, have affirmed their just rights of domain and jurisdiction, or of sovereignty, over the part of the underwater shelf, contiguous and corresponding to their national territory,

...

*Art. 1.* Express recognition is hereby taken that the underwater shelf, where it corresponds to the continental and insular territory of Brazil is an integral part of that same territory, under the jurisdiction and exclusive dominion of the Federal Government.

*Art. 2.* The use and exploitation of the products or natural riches which are found in this part of the national territory are in all cases subject to federal concession or authorization.

*Art. 3.* Rulings on navigation in the waters above the shelf mentioned above continue in full force, without prejudice to those rulings which may later be established, especially as concerns fishing in the region.

...

*Art. 5.* All dispositions to the contrary are hereby revoked.

<sup>1</sup> The content of this Act is similar in substance to that of Petroleum (Submerged Lands) Act 1967 of Australia. *Supra* 2 (a).

<sup>2</sup> English text provided by the Permanent Mission of Brazil to the United Nations.

## 4. CAMBODIA

DÉCLARATION<sup>1</sup> DU GOUVERNEMENT ROYAL EN DATE DU 27 SEPTEMBRE 1969 RELATIVE  
À LA MER TERRITORIALE ET AU PLATEAU CONTINENTAL DU CAMBODGE

## 5. CANADA

(a) CANADA OIL AND GAS LAND REGULATIONS, AS AMENDED<sup>2\*</sup>

(b) CANADA MINING REGULATIONS, AS AMENDED<sup>3\*</sup>

(c) CANADA OIL AND GAS DRILLING AND PRODUCTION REGULATIONS<sup>4\*</sup>

## 6. COLOMBIA

(a) LAW NO. 120 OF 30 DECEMBER 1919 CONCERNING DEPOSITS OF HYDROCARBONS,  
article 38<sup>5</sup>

(b) LAW NO. 14 OF 31 JANUARY AMENDING THE LAW CONCERNING DEPOSITS OF  
HYDROCARBONS<sup>6</sup>

## 7. 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 Contract:

"The State, having sole and exclusive dominion over sources and deposits  
of petroleum, gas and other hydrocarbons, by virtue of the authority vested in it

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 5.

<sup>2</sup> Established by P.C. 1961-797 of 6 June 1961; amended by P.C. 1963-408, P.C. 1964-1614, P.C. 1966-552, P.C. 1966-1370, P.C. 1966-1477, P.C. 1966-2020, P.C. 1966-2343, P.C. 1967-1310, P.C. 1967-2316.

<sup>3</sup> Established by P.C. 1961-325 of 3 March 1961; amended by P.C. 1962-966 and P.C. 1963-1777.

<sup>4</sup> SOR/61-253, *Canada Gazette, Part II*, vol. 95, No. 12, June 28, 1961.

<sup>5</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 8 (b).

<sup>6</sup> *Ibid.* (c).

under the Constitution now in force, concedes to the Contractor the exclusive right to undertake explorations of every kind in the area of the national territory situated north of a line joining the points the co-ordinates of which are as follows:

<i>Point</i>	<i>Longitude West</i>	<i>Latitude North</i>
A	83° 00'	09° 55' to the limit of the continental shelf
B	83° 40'	09° 55'
C	83° 40'	10° 05'
D	84° 10'	10° 15'
E	85° 15'	10° 55'
F	85° 40'	10° 35' to the limit of the continental shelf

"The aforementioned co-ordinates, being those indicated on the map of Costa Rica prepared by the National Geographic Institute, provisional edition of 1949, delimit the area conceded to the contractor, including islands and all the ground beneath all the territorial waters, oceans, lagoons, bays, harbours, estuaries, and the continental shelf adjacent to the said area which forms part of the territory of the Republic or over which it has preferential rights, dominion, jurisdiction or sovereignty, for the purpose of locating, discovering or exploiting, transporting and exporting, on the terms stipulated in this contract, petroleum and any hydro-carbonic substances and gas of any kind, and the substances associated therewith and contained therein ... The contractor may exercise the rights granted under this clause on lands owned by the State, by official institutions, and by private persons and, as stated above, on all the ground beneath all the territorial waters, oceans, lagoons, bays, harbours, estuaries, and the continental shelf adjacent to the area conceded.

"For the purposes of this contract, the continental shelf shall be defined in accordance with the provisions of the Geneva Convention of 1958.

"The right of exploitation conceded to the contractor does not imply ownership of any deposits discovered by the contractor, but only the right to exploit them throughout the period and on the terms specified in this contract."

## 8. CYPRUS

The Republic of Cyprus has not so far claimed any rights on the continental shelf.<sup>1</sup>

## 9. DAHOMEY

DÉCRET GOUVERNEMENTAL N° 74/PR/MTPTT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY, article 3<sup>2</sup>

<sup>1</sup> The information was provided by the Ministry of Foreign Affairs of the Republic of Cyprus in a *note verbale* of 4 April 1967.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter 1, 11 (b).

## 10. 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\*\*

*Article 1*

Raw materials in the subsoil of the Kingdom of Denmark which were not made available for utilization by private interests in Denmark before 23 February 1932 shall belong to the Danish State. Prospecting for and exploitation of such raw materials shall be reserved to the State.

*Article 2*

1. The Government, after the matter has been submitted to a committee appointed by the Rigsdag, may grant a concession conferring, for a period not exceeding fifty years at a time, the exclusive right to the prospecting for and exploitation of raw materials of the kinds mentioned in article 1. The aforementioned right may be subjected to local restrictions. The committee appointed by the Rigsdag shall be so constituted as to include one member selected by each of the parties represented in the finance committee of the Lower House.

2. An exclusive concession may not be granted until complete plans of the proposed measures have been submitted to the Minister of Public Works and proof has been furnished to him that the financing regarded by him as necessary for the prospecting has been ensured.

3. Before exploitation is started or the measures relating thereto are put into effect, the installations necessary for such purpose must be approved by the Minister, and proof must be furnished to him that the financing regarded by him as necessary for the exploitation operations has been ensured.

*Article 3*

Any person who, in pursuance of this Act, causes deep drilling to be performed shall provide the Danish Geological Survey with particulars of the drilling site, the thickness and nature of the earth or rock strata drilled through and the raw materials found and with samples of the earth and rock strata and of the raw materials. Before the drilling begins, notice thereof shall be given in order that the Danish Geological Survey may be able to check on the drilling as it proceeds.

*Article 4*

1. The granting of the exclusive concession shall be further conditional upon:

(1) the concessionary paying to the Treasury a royalty of an amount to be fixed when the concession is granted;

(2) the concession not being transferred to anyone else unless the Minister of Public Works permits such transfer and approves the compensation agreed upon;

(3) the concessionary paying for the services of an inspector, who shall be appointed by the Minister and whose orders for ensuring that the interests

of the State are protected must be complied with, any disputes in this regard to be settled by the Minister;

(4) the articles of association, where the concession is granted to a company of the concessionary, being approved by the Minister;

(5) the concessionary complying with the instructions of the Minister concerning the use of local labour in giving effect to the concession and concerning which members of the board of directors and of the management staff must be of Danish nationality;

(6) the concessionary not abandoning his operations in Denmark;

(7) the exploitation operations being started before the expiry of a period allowed for prospecting, which shall be specified in the concession and may not exceed ten years;

(8) the prospecting not being suspended during the prospecting period for as long as two consecutive years;

(9) the exploitation operations not being suspended for as long as two consecutive years.

2. Where an exclusive concession includes the prospecting for and exploitation of more than one raw material, the concession shall remain in force during the prospecting period unless all prospecting for any raw material included in the concession is suspended for more than two consecutive years, whereas after the prospecting period the concession shall remain in force only in respect of those raw materials the exploitation of which had been started by the end of that period and is not subsequently discontinued for as long as two consecutive years.

3. Where a concession is granted for a group of raw materials which by their nature or the circumstances of their occurrence may be regarded as belonging together, the concessionary may, by virtue of the concession and on condition that the exploitation of any raw material belonging to the group has been started by the end of the prospecting period, obtain an extension of not more than five years at a time, within the period for which the concession as a whole is valid, of the period allowed for the prospecting of the other raw materials belonging to the group, but such extension shall be valid only so long as the concessionary is entitled to exploit any raw material belonging to the group.

4. Where a concession is granted for a group of raw materials as aforesaid, the concessionary may, by virtue of the concession and on condition that the exploitation of any raw material belonging to the group has been started by the end of the prospecting period, be permitted to retain the exclusive right to exploit such other raw materials belonging to the group as may be discovered by him in the course of exploiting a raw material belonging to the group after the expiry of the period allowed for prospecting, but only within the locally defined areas specified in the concession.

5. Notwithstanding the provisions of paragraph 1, item (9), a concessionary may, by virtue of the concession, be permitted temporarily to suspend current exploitation operations for not more than five years if he can demonstrate to the Minister that the continuation of such operations must for the time being be regarded as uneconomical.



#### *Article 5*

The concession shall be forfeited if any of the conditions specified in articles 2 to 4 are not fulfilled. The same shall apply if any of the special conditions laid down in the concession or in agreements annexed thereto are not complied with or if any of the prescribed time-limits are exceeded. A time-limit may be postponed to the extent required in the event of *force majeure*.

#### *Article 6*

Upon the granting of the exclusive concession, provision shall be made for the procedure to be followed with regard to the facilities pertaining to the exploitation upon the expiry of the concession or in the event of its surrender or forfeiture.

#### *Article 7*

Areas which are temporarily or permanently needed for measures under this Act may, by permission of the Minister of Public Works, be acquired by expropriation in accordance with the provisions of the Ordinance of 5 March 1845, cf. Act No. 6 of 10 January 1928. In a case where expropriation of part of a property will appreciably lessen the usefulness of the remainder of the property, the concessionary may be compelled, by virtue of a claim to that effect by the owner, to acquire the entire property.

#### *Article 8*

The Minister of Public Works may permit the measures provided for in this Act to be carried out even though damage or inconvenience might result for properties, businesses or the like which are not required to surrender any of their area. Full compensation for such damage or inconvenience shall be made by the concessionary as provided in article 7.

#### *Article 9*

For the purpose of dealing with applications for the permission referred to in articles 7 and 8, and for the general purpose of assisting the Minister of Public Works with advice, the Minister may establish a committee, which shall comprise a chairman having the qualifications required of a rural judge, and four members who shall be experts.

#### *Article 10*

1. The concessionary shall be liable for any injury or damage resulting from the prospecting or exploitation operations.
2. Such liability may, however, lapse or be reduced if the injury is shown to have been caused, either wilfully or through gross negligence, by the injured person himself.

#### *Article 11*

This Act shall come into force on 1 May 1950. The Act shall apply to the Faroe Islands, subject to the limitations which arise from Act No. 137 of 23 March 1948 concerning home rule in the Faroe Islands.

The above Act is binding on all concerned.

(b) ROYAL DECREE OF 7 JUNE 1963 CONCERNING THE EXERCISE OF DANISH SOVEREIGNTY OVER THE CONTINENTAL SHELF

...

In conformity with the Convention on the Continental Shelf, which was opened for signature at the United Nations Conference on the Law of the Sea, held at Geneva in 1958, and with reference to the decision of the Lower House of 2 May 1963, it is hereby provided as follows:

*Article 1.* Danish sovereignty shall be exercised, in so far as the exploration and exploitation of natural resources are concerned, over that portion of the continental shelf which, according to the Convention on the Continental Shelf, which was opened for signature at Geneva on 29 April 1958 (hereinafter referred to as the "Convention"), belongs to the Kingdom of Denmark, cf. article 2.

*Article 2.* 1. In accordance with article 1 of the Convention, the term "continental shelf" is used as referring (a) to the sea-bed and 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 of 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.

2. The boundary of the continental shelf in relation to foreign States whose coasts are opposite the coasts of the Kingdom of Denmark or are adjacent to Denmark shall be determined in accordance with article 6 of the Convention, that is to say, in the absence of special agreement, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. The Minister of Public Works may, if necessary, cause official charts to be prepared on which the boundary line shall be entered.

*Article 3.* The exploration and exploitation of the natural resources of the continental shelf referred to in article 1 may be effected only by virtue of a concession granted in pursuance of Act No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark or of Royal Order No. 153 of 27 April 1935 concerning the exploitation of raw materials in the soil of Greenland.

(c) ORDER<sup>1</sup> 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\*\*

Notice is hereby given of an exclusive concession, dated 8 July 1962, for the prospecting and exploitation of hydrocarbons and the like in the subsoil of Denmark, with such amendments and additions as follow from the amendments laid down by Royal Resolution of 5 October 1963.

<sup>1</sup> Ministry of Public Works Order of 7 November 1963.

\*  
\* \* \*

On the recommendation of the Minister of Public Works and in conformity with Act<sup>1</sup> No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark (the Subsoil Act), it has pleased His Majesty the King to issue during the period 8 July 1962 to 5 October 1963, jointly to the *Dansk Boreselskab A/S*, *A/S Dampskibsselskabet Svendborg* and *Dampskibsselskabet af 1912 A/S* the exclusive right, for a period of fifty years beginning on 8 July 1962, to prospect for and exploit the raw materials specified in article 1 in the subsoil throughout Denmark, both in the territorial land area and in the territorial sea for so far as Danish sovereignty extends, with the exception of the Faroe Islands and Greenland, and in that portion of the continental shelf over which Denmark, in accordance with Royal Order of 7 June 1963, exercises sovereignty, with the exception of the area of the continental shelf belonging to the Faroe Islands and Greenland. The concessionaries shall, in so far as prospecting and exploitation in the said area of the continental shelf are concerned, refrain from conducting their activities in any manner inconsistent with the Convention on the Continental Shelf, which was opened for signature at Geneva on 29 April 1958.

The concession shall be granted subject to the conditions embodied in the Subsoil Act and to the special conditions specified below.

#### *Article 1*

1. The exclusive concession shall comprise the following raw materials:
  - A. All hydrocarbons, irrespective of whether occurring in solid, liquid or gaseous state (for example, asphalt, oil and gas);
  - B. Sulphur (in solid state or as hydrogen sulphide);
  - C. Noble gases (helium, etc.).
2. The exclusive right conferred by the concession shall not include any of the aforementioned raw materials which were made available for utilization by private interests in Denmark before the entry into force on 23 February 1932 of Act No. 27 of 19 February 1932.
3. Any dispute concerning the scope of the concession which does not affect the rights of another concessionary shall be settled by the board of arbitration referred to in article 14, except that the question whether or not a raw material was made available for utilization by private interests in Denmark before the entry into force on 23 February 1932 of Act No. 27 of 19 February 1932 must be submitted for settlement to the courts.

#### *Article 3*

1. The concessionaries may not, without the previous consent of the Minister of Public Works, engage in prospecting or exploitation within the known salt horsts.

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<sup>1</sup> *Supra* (a).

### *Article 6*

1. Before undertaking geophysical or geological surveys, the concessionaries shall inform the Minister of Public Works of the plans therefor. If, by virtue of the concession, the concessionaries make a boring, they shall, in accordance with the instructions issued by the Danish Geological Survey, provide that body with the particulars of the drilling site and of the drilling results prescribed by article 3 of the Subsoil Act. Provisional reports on the geophysical and geological surveys shall be submitted to the Minister each month. Detailed geophysical and geological reports on the operations effected, together with copies of all original data, shall be submitted to the Danish Geological Survey every six months.

2. Any bore holes or mine shafts abandoned by the concessionaries shall be closed and covered by the concessionaries in a manner in all respects satisfactory as specified by the inspector.

3. The provisions of paragraph 1 of this article shall also apply to measures carried out in international waters in connexion with prospecting in the portion of the continental shelf referred to in the introduction. If the concessionaries wish to set up fixed installations in international waters for use in connexion with such prospecting, they shall obtain the consent of the Minister of Public Works beforehand for the setting-up and arrangement of the said installations in each individual case. The concessionaries shall submit to such inspection and supervision with regard to the condition and operation of the said installations as is necessary to ensure that neither the installations nor the use thereof give rise to unlawful interference with the other interests connected with full enjoyment of the freedom of the seas. The concessionaries shall, as provided by the Minister, reimburse the National Treasury for the expenditure incurred for such inspection and supervision.

...

### *Article 10*

The concessionaries shall pay royalties to the Danish State in accordance with the following provisions:

#### *a. Hydrocarbons*

1. The royalty in respect of the hydrocarbons referred to in article 1 A which are exploited in the territorial land area or the territorial sea shall be fixed during the first five years after commercial exploitation has begun at 7½ per cent of the actual value at the production site of the marketable crude oil, gas and other hydrocarbons which are exploited and sold, and thereafter at 12½ per cent of the said value. The royalty shall be similarly fixed at 5 per cent and 8½ per cent, respectively, in the case of the hydrocarbons referred to in article 1 A which are exploited in the area of the continental shelf included in the concession.

2. If the raw materials are sold in their original state for delivery at the production site, the actual value shall be equivalent to the selling price.

3. If the raw materials are sold in their original state for delivery elsewhere than at the production site, the actual value shall be the selling price less transport charges and any other charges which are borne by the seller and, consequently, are included in or have influenced the selling price.

4. If the raw materials are sold after refining or other further processing, the actual value used in determining the royalty shall be the selling price most recently received by the concessionaries for the sale of the relevant raw material in its original state less transport charges and other charges as aforesaid. If the concessionaries have not effected any sale of the raw material in its original state, or if the selling price most recently received by the concessionaries no longer corresponds to the actual value of the relevant raw material in its original state at the production site, the actual value used in determining the royalty shall be the selling price which the concessionaries could have received on the world market under conditions of free competition by the sale at the production site of the relevant raw material in its original state, cf. also paragraph 3.

5. The provisions of paragraph 4, last sentence, shall similarly apply to the determination of the royalty in the case of sales by the concessionaries to an establishment within their enterprise or to an establishment in which they have a direct or indirect interest. The same shall apply to sales to establishments with which the concessionaries have entered into an agreement concerning participation in the prospecting and/or exploitation operations under the concession.

6. In case of disagreement concerning the computation of the royalty, the question shall be settled by the board of arbitration referred to in article 14.

b. *Other raw materials included in the concession*

The raw materials referred to in article 1 B and C which are exploited in the territorial land area or the territorial sea shall be subject to the payment of a royalty of 8½ per cent of the price at the production site of the raw material exploited and sold. The raw materials referred to in article 1 B and C which are exploited in the area of the continental shelf included in the concession shall be similarly subject to the payment of a royalty of 6 per cent. The provisions of part a, paragraphs 2 to 6, shall apply *mutatis mutandis*.

c. *Joint provision applicable to all raw materials*

Upon the termination of the concession for any reason whatever, the concessionaries shall be liable to the State for the royalty on raw materials which have been exploited and are marketable but have not yet been sold. The provisions of part a, paragraph 6, shall apply *mutatis mutandis*.

...

## Article 12

1. If any of the conditions laid down in the Subsoil Act for the granting or continuance in force of the concession is not observed, the concession shall cease to be in force.

## Article 13

1. This concession may not be transferred to any other party without the consent of the Minister of Public Works, except in so far as transfers between the bodies corporate participating in the syndicate of the concessionaries are concerned.

(d) ACT NO. 166 OF 12 MAY 1965 CONCERNING MINERAL RAW MATERIALS IN GREENLAND\*\*

CHAPTER I  
GENERAL PROVISIONS

*Article 1*

1. All mineral raw materials in Greenland shall belong to the State. Preliminary surveys, prospecting and exploitation in respect of such raw materials shall be reserved to the State.

2. The resident population of Greenland may, however, continue as formerly to avail itself of coal, peat, crushed stone, gravel, stone and the like.

*Article 2*

1. The Minister for Greenland may grant permits for preliminary surveys and grant an exclusive concession for the prospecting and exploitation of mineral raw materials in Greenland.

2. The Minister may require applicants to supply such particulars, including plans of operations, as are necessary for dealing with the applications.

*Article 3*

1. A permit for a preliminary survey and an exclusive concession for prospecting and exploitation may, with due regard for the protection of nature and of structures and for usufructuary and similar rights, be granted in respect of any part of Greenland.

...

CHAPTER III  
PROSPECTING

*Article 8*

1. An exclusive concession for the prospecting of mineral raw materials may be granted to applicants who, in the opinion of the Minister, possess the necessary financial means and practical experience.

2. The concession shall be granted for a specified area and for a period which in West Greenland may not exceed eight years and in North Greenland and East Greenland may not exceed twelve years.

...

*Article 12*

1. The concession may not be transferred, either directly or indirectly, to other parties unless the Minister for Greenland permits the transfer and approves the terms thereof.

2. The concession shall be exempt from legal process of any kind.

*Article 13*

1. The concessionary may, within the concession area, make use of such areas as are needed for the construction of buildings, workshops, dwellings, plant facilities, port facilities, roads, light railways and the like, and make such changes in the terrain as are in general necessitated by the prospecting operations of the concessionary. The concessionary may, in such manner as may be necessary, enclose the areas of which he is thus making use.

2. Outside the areas of which use is being made as provided in paragraph 1, the concession must not constitute an obstacle to other persons in gaining access to traffic facilities or in engaging in hunting or fishing or in making use of other areas for grazing and similar purposes.

...

CHAPTER IV

EXPLOITATION

*Article 15*

1. An exclusive concession for the exploitation of mineral raw materials may as a general rule be granted only to joint-stock companies that are registered in Denmark, and only to applicants who, in the opinion of the Minister, possess the necessary financial means and practical experience. Before the concession is granted, the matter shall be submitted to the Rigsdag committee established under article 2, paragraph 1, of Act No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark, and the opinion of the National Council of Greenland shall be sought.

2. The concession shall be granted for a specific area and for a period not exceeding fifty years. It may be stipulated that the right of exploitation conferred by the concession shall apply only to specified raw materials or that certain raw materials shall be excluded from exploitation.

3. Where a concession is granted as a continuation of and on the basis of earlier prospecting activity carried out by virtue of the provisions of chapter III, the holder of the prospecting concession shall be given preference if he fulfils the conditions of the concession and there are no exceptional circumstances which make it reasonable to award the concession to another applicant.

...

*Article 17*

1. The concession shall as a general rule provide what share the public is to have in the profits when the invested capital plus a suitable amount for interest has been earned back through the conduct of mining operations.

2. Where, however, circumstances so require, the financial interests of the State and those of the national treasury of Greenland may be provided for through the imposition of a concession royalty or in some other manner.

...

## 11. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF OF THE DOMINICAN REPUBLIC, article 7<sup>1</sup>

## 12. ECUADOR

(a) CIVIL CODE<sup>2\*\*</sup>

...

*Article 630*

The continental or insular shelf adjacent to the Ecuadorian coasts, and the resources thereof, shall belong to the State, which shall have the use thereof and shall exercise the supervision necessary to ensure the conservation of the said resources and the protection of the corresponding fisheries.

The expression "continental or insular shelf" means the submarine areas adjacent to the national territory to a depth of 200 metres.

(b) MARITIME FISHING AND HUNTING ACT<sup>3</sup> OF 30 AUGUST 1961

...

*Article 2<sup>4</sup>*(c) POLITICAL CONSTITUTION<sup>5\*\*</sup> OF THE ECUADORIAN STATE*Article 55*

...

The continental shelf, and minerals and other substances that constitute deposits or concretions the composition of which differs from that of the subsoil, shall likewise belong to the State. This right of ownership shall also be inalienable and imprescriptible, but concessions may be granted for the appropriate exploration and exploitation of such minerals or substances in conformity with the law.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 13.

<sup>2</sup> Taken from the latest Codification of the provisions of the Ecuadorian Civil Code, 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).

<sup>3</sup> *Registro Oficial*, No. 353 of 31 October 1961 (Supplement).

<sup>4</sup> The text is identical with that of article 630 of the Civil Code, *supra* (a).

<sup>5</sup> *Registro Oficial* No. 133 of 25 May 1967.



## 13. FEDERAL REPUBLIC OF GERMANY

(a) DECLARATION<sup>1</sup> OF 20 JANUARY 1964 BY THE FEDERAL GOVERNMENT\*\*

As at 30 October 1958, the Geneva Convention on the Continental Shelf of 29 April 1958 had been signed by the Federal Republic of Germany and forty-five other States. Since that date, it has already been ratified or acceded to by twenty-one States, and in accordance with article 11, paragraph 1, it will come into force as soon as another State has deposited the twenty-second instrument of ratification. The Federal Government will shortly lay before the legislative organs a bill approving this Convention, in order to establish the constitutional basis for ratification by the Federal Republic of Germany.

In order to dispose of any legal ambiguities which might arise in the present situation, pending the entry into force of the Geneva Convention on the Continental Shelf and its ratification by the Federal Republic of Germany, the Federal Government deems it necessary at this stage to make the following declaration:

1. In the light of the development of general international law, as expressed in the recent practice of States and especially in the signing of the Geneva Convention on the Continental Shelf, the Federal Government regards the exploration and exploitation of the natural resources of the sea-bed and subsoil of the submarine area adjacent to the German coast but outside the area of the German territorial sea to a depth of 200 metres and, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources as an exclusive sovereign right of the Federal Republic of Germany. The detailed delimitation of the German continental shelf in relation to the continental shelf of foreign States shall be the subject of agreements with those States.

2. The Federal Government regards as inadmissible any activities undertaken within the area of the German continental shelf for the purpose of exploring and exploiting its natural resources without the express approval of the competent German authorities. It will, if necessary, take appropriate measures against such activities.

## (b) ACT OF 24 JULY 1964 ON PROVISIONAL DETERMINATION OF RIGHTS RELATING TO THE CONTINENTAL SHELF\*\*

*Article 1*

Prospecting for mineral resources in the German continental shelf as defined in the Declaration<sup>2</sup> by the Federal Government of 20 January 1964 the extraction of such mineral resources and all research activities relating to the continental shelf undertaken *in situ* shall be prohibited, unless authorized in advance in accordance with article 2.

<sup>1</sup> *Bundesgesetzblatt* 1964 II, p. 104.

<sup>2</sup> *Supra* (a).

### Article 2

(1) The activities specified in article 1 may be authorized in advance, on application, in accordance with paragraphs (2) to (5).

(2) Pending definitive regulation of the question of competence, permits shall be issued:

1. As concerns technical and commercial mining operations, by the Central Bureau of Mines at Clausthal-Zellerfeld;
2. As concerns arrangements for the use and utilization of the waters and airspace above the continental shelf, by the German Hydrographical Institute. Research activities which, by their nature, are manifestly not directed towards prospecting for mineral resources shall require only a permit in accordance with clause 2 of the first sentence; in other cases, such a permit may be issued only if the permit under clause 1 of the first sentence is produced.

(3) The permit may be issued subject to restrictions and conditions and may be subject to cancellation; conditions may also be imposed retrospectively. The permit shall be issued for a maximum period of three years and may, if the Act referred to in article 16, paragraph (2), has not yet come into force when the period expires, be renewed, provided that its total duration shall not exceed five years. There shall be no legal entitlement to the issue or renewal of a permit.

(4) Any restrictions and conditions attached to a permit issued in accordance with clause 1 of the first sentence of paragraph (2) must in substance conform at least to such provisions of Part Three, Section Two, and Part Nine, Section Two, of the General Mines Act for the Prussian States of 24 June 1865 (*Gesetzesammlung*, p. 705) and of orders made pursuant to article 197 thereof as are in force in *Land* Lower Saxony.

(5) The issue of a permit for the extraction of mineral resources in accordance with clause 1 of the first sentence of paragraph (2) may be subject to payment of a consideration. The amount of the consideration shall be assessed on the basis of the mining dues which would customarily be payable at the point in German territorial waters nearest to the place of extraction. The option provided for in the first sentence shall be exercised where the competitive position of enterprises engaged in mining in German territorial waters would otherwise be substantially affected. The consideration shall be paid to the Central Bureau of Mines at Clausthal-Zellerfeld; the party to whom the Central Bureau of Mines shall transfer moneys thus received shall be specified in the Act envisaged in article 16, paragraph (2).

...

### Article 4

(1) Within the area of the German continental shelf the executive officers specified in article 6 (1), (2) and (4) of the Act concerning the use of direct force in the exercise of public authority by executive officers of the Federal Republic of 10 March 1961 (*Bundesgesetzblatt* I, p. 165) shall ensure that:

1. The prohibition contained in article 1 is not contravened,
2. Any restrictions and conditions imposed in accordance with article 2, paragraph (3), are complied with, and
3. Orders made in accordance with article 3, paragraph (1), are carried out.

(2) For the purpose of performing the duties incumbent on them in accordance with paragraph (1), executive officers of the Federal Republic shall be authorized to enter and search structures and installations designed for carrying on activities of the kind specified in article 1 and vessels used for the maintenance or operation of such structures and installations or employed directly in carrying on the said activities. For the purpose of ensuring restrictions and conditions attached to permits issued by the Central Bureau of Mines at Clausthal-Zellerfeld are complied with, agents of the Bureau shall also have the powers mentioned in the first sentence. Persons exercising actual control over the structures, installations or vessels shall be required to allow the officers and agents specified in the first and second sentences to exercise their powers and to quit the structures, installations and vessels.

#### *Article 5*

Administrative decisions pursuant to this Act shall be enforced within the area of the German continental shelf, as elsewhere, in accordance with the Administrative Decisions Enforcement Act of 27 April 1953 (*Bundesgesetzblatt I*, p. 157), as amended by the Act of 12 April 1961 (*Bundesgesetzblatt I*, p. 429), and the Act concerning the use of direct force in the exercise of public authority by executive officers of the Federal Republic. Direct force shall be used by the executive officers of the Federal Republic specified in article 4, paragraph (1).

...

#### *Article 9*

Where acts of the kind referred to in article 7 are not committed within German territory, German penal law shall apply independently of the law of the place where the acts are committed.

#### *Article 10*

Within the area of the German continental shelf the executive officers of the Federal Republic specified in article 4, paragraph (1), shall investigate punishable acts of the kind mentioned in article 7 and shall take all such measures as cannot be delayed to prevent the destruction of evidence; the officers shall have the rights and obligations of police officers under the provisions of the Code of Criminal Procedure; they shall be deemed in this connexion to be acting as officers of the Department of State Counsel.

#### *Article 11*

The powers which may be exercised within the area of the German continental shelf in accordance with articles 3 to 6 and 10 shall also extend to the waters and airspace above the continental shelf.

## 14. FINLAND

(a) LAW NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA (5 March 1965), article 1<sup>1</sup>

(b) LAW NO. 149 CONCERNING THE CONTINENTAL SHELF (5 MARCH 1965)<sup>2\*\*</sup>

...

*Article 1*

The right to explore the continental shelf adjacent to the coast of Finland and the subsoil of it and for the purpose of exploitation of the natural resources of the areas mentioned in article 3 is exclusively exercised by the state of Finland.

For the purpose of the present law the term "continental shelf" means outside the area of Finland's territorial sea with the adjacent sea-bed and its subsoil to the boundary line which is determined according to articles 1 and 6 in the Geneva Convention of April 29, 1958, on the continental shelf or upon which agreements have been concluded between Finland and a foreign state according to the said article 6, paragraphs 1 or 2.

*Article 2*

With special permission a Finnish citizen, a community having legal capacity or a foundation may be granted by the cabinet of Ministers the right mentioned in article 1, paragraph 1. The same right may also be granted by the Cabinet of Ministers to a foreign citizen or a foreign community having legal capacity or a foreign foundation, if a special reason thereto is deemed to exist.

The permission may be granted also for certain time or provisionally. In the permission the conditions should be prescribed which, in consideration of security and the common interest, are considered necessary or which the Cabinet of Ministers otherwise deems essential. The conditions prescribed in the permission may be requested in changed circumstances.

If the permission mentioned in sub-paragraph 1 is requested by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, the permission shall not be withheld if a special reason thereto does not exist.

*Article 3*

For the purpose of this law the natural resources of the continental shelf consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil thereof.

<sup>1</sup> *Infra* DIVISION III, 9 (b).

<sup>2</sup> English text provided by the Permanent Mission of Finland to the United Nations.

*Article 4*

Where the permission requested according to article 2 concerns search for mine mineral or a mining-claim or exploitation of such minerals, in addition to the present law, the law concerning mines and in virtue thereof issued instructions should be observed.

*Article 5*

For exploration of the continental shelf and the exploitation of its natural resources the Cabinet of Ministers may grant permission to construct installations and other devices and to establish safety zones around such installations, as well as taking into consideration that interference is not caused to the use of recognized sea lanes. If the permission concerns establishment of safety zones, therein shall also be prescribed, which authority handles the supervision of this safety zone and the maintenance of the necessary devices for this supervision. The Cabinet of Ministers shall also give instructions concerning the compensation of the costs of supervision.

It shall be unlawful to navigate in a properly marked safety zone as referred to in the first paragraph without the permission of the supervising authority or to contravene any other provision concerning the protection of a safety zone that is made by virtue of this Act or is embodied in the permission concerning the establishment of such zone.

*Article 6*

What, in particular has been legislated concerning laying a submarine conduit or a pipeline on the continental shelf and the maintenance of them, shall apply.

*Article 7*

Any breach against the present law or the prescriptions or conditions on permission issued by virtue thereof will be punished by fines, unless a severer punishment has been prescribed elsewhere in the law or the breach shall be punished according to the criminal instructions in the law concerning mines. In addition to the punishment the permission granted according to articles 2 and 5, shall be cancelled.

*Article 8*

More detailed instructions for the execution and application of the present law and for the application of the law of mines on search for mine mineral in the area of the continental shelf as well as on mine-claim and exploitation of such mineral therein shall be issued, when needed, by a decree.

## 15. FRANCE

LOI<sup>1</sup> N° 68-1181 DU 30 DÉCEMBRE 1968 RELATIVE À L'EXPLORATION DU PLATEAU CONTINENTAL ET À L'EXPLORATION DE SES RESSOURCES NATURELLES

## TITRE PREMIER

*Dispositions générales*

*Art. 1<sup>er</sup>.* — La République française exerce, conformément à la Convention de Genève sur le plateau continental du 29 avril 1958, publiée par le décret n° 65-1049 du 29 novembre 1965, des droits souverains aux fins de l'exploration du plateau continental adjacent à son territoire et de l'exploitation de ses ressources naturelles.

Le plateau continental sur lequel la République française exerce les droits définis ci-dessus est, dans toute son étendue et quels que soient la situation géographique et le statut des territoires auxquels il est adjacent, soumis à un régime juridique unique fixé par la présente loi sous réserve des dispositions des articles 35 et 36.

*Art. 2.* — Toute activité entreprise par une personne publique ou privée sur le plateau continental, en vue de son exploration ou de l'exploitation de ses ressources naturelles, est subordonnée à la délivrance préalable d'une autorisation.

En ce qui concerne l'exploitation des ressources végétales et des ressources animales appartenant aux espèces sédentaires, les ressortissants français sont dispensés de l'autorisation prévue à l'alinéa premier sauf dans le cas où cette exploitation comporte l'installation d'un établissement de pêche ou de culture marine sur le plateau continental.

*Art. 3.* — L'expression «installations et dispositifs» désigne, au sens de la présente loi:

1. Les plates-formes et autres engins d'exploration ou d'exploitation, ainsi que leurs annexes;
2. Les bâtiments de mer qui participent directement aux opérations d'exploration ou d'exploitation.

*Art. 4.* — Il peut être établi autour des installations et dispositifs définis à l'article 3 une zone de sécurité s'étendant jusqu'à une distance de 500 mètres mesurée à partir de chaque point du bord extérieur de ces installations et dispositifs. Il est interdit de pénétrer sans autorisation, par quelque moyen que ce soit, dans cette zone, pour des raisons étrangères aux opérations d'exploration ou d'exploitation.

Des restrictions peuvent être apportées au survol des installations et dispositifs et des zones de sécurité, dans la mesure nécessaire à la protection de ces installations et dispositifs et à la sécurité de la navigation aérienne.

*Art. 5.* — Sous réserve des dispositions de la présente loi et des textes pris pour son application, les lois et règlements français s'appliquent, pendant le temps

<sup>1</sup> *Journal Officiel*, n° 307, du 31 décembre 1968, p. 12.404.

où sont exercées les activités mentionnées à l'article 2, sur les installations et dispositifs définis à l'article 3 comme s'ils se trouvaient en territoire français métropolitain. Ils sont également applicables, dans les mêmes conditions, aux installations et dispositifs eux-mêmes.

Lesdits lois et règlements s'appliquent, dans les mêmes conditions, à l'intérieur des zones de sécurité, au contrôle des opérations qui y sont effectuées ainsi qu'au maintien de l'ordre public.

*Art. 6. —* La recherche, l'exploitation et le transport par canalisations de l'ensemble des substances minérales ou fossiles contenues dans le sous-sol du plateau continental ou existant à sa surface sont soumis au régime applicable sur le territoire métropolitain aux gisements appartenant à la catégorie des mines. Toutefois, la durée des concessions sur le plateau continental est, sans distinction de substances, limitée à cinquante ans.

*Art. 7. —* Sauf dérogation exceptionnelle accordée par le ministre compétent, tout transport maritime ou aérien entre le territoire français et les installations et dispositifs mis en place sur le plateau continental adjacent est réservé aux navires et aéronefs français.

...

## TITRE II

### *Dispositions relatives aux mesures de sécurité*

*Art. 10. —* Les installations et dispositifs définis au 1<sup>o</sup> de l'article 3 ci-dessus sont soumis aux lois et règlements concernant la sauvegarde de la vie humaine en mer.

En outre, lorsqu'ils sont susceptibles de flotter, ils sont soumis aux lois et règlements concernant l'immatriculation et le permis de circulation, ainsi qu'au règlement relatif à la prévention des abordages en mer pendant le temps où ils flottent.

Pour l'application de ces lois et règlements, la personne assumant sur ces installations et dispositifs la conduite des travaux d'exploration ou d'exploitation est considérée comme le capitaine au sens desdits lois et règlements. Elle relève dans tous les cas de la juridiction de droit commun.

...

*Art. 13. —* Les articles 70 à 74 du code des ports maritimes sont applicables à la signalisation des installations et dispositifs définis au 1<sup>o</sup> de l'article 3 de la présente loi ainsi qu'à celle des zones de sécurité prévues par l'article 4 de cette loi.

Pour l'application des articles 70 à 72 du code des ports maritimes, la personne assumant, sur ces installations et dispositifs, la conduite des travaux d'exploration ou d'exploitation est considérée comme le capitaine ou le patron au sens desdits articles. Elle relève dans tous les cas de la juridiction de droit commun.

*Art. 14. —* Le propriétaire ou l'exploitant sont tenus d'enlever complètement les installations ou dispositifs qui ont cessé d'être utilisés. S'il y a lieu, ils sont mis en demeure de respecter cette obligation et des délais leur sont impartis pour le commencement et l'achèvement des travaux.

S'ils refusent ou négligent d'exécuter ces travaux, il peut y être procédé d'office à leurs frais et risques.

Dans ce cas, le propriétaire ou l'exploitant peuvent être déchus de leurs droits sur les installations et dispositifs.

### TITRE III

#### *Dispositions douanières et fiscales*

*Art. 15.* — En matière douanière, les produits extraits du plateau continental sont considérés comme extraits d'une nouvelle partie du territoire douanier prévu par l'article premier du code des douanes.

Les mêmes produits doivent, pour l'application de la législation fiscale, être considérés comme extraits du territoire français métropolitain.

*Art. 16.* — Les matériels industriels, ainsi que les produits nécessaires à leur fonctionnement et à leur entretien, affectés, sur le plateau continental, à la recherche ou à l'exploitation des hydrocarbures et d'autres substances minérales et organiques dont la liste est fixée par décret, sont exemptés des droits de douane d'importation.

*Art. 17.* — Les agents des douanes peuvent, à tout moment, visiter les installations et dispositifs. Ils peuvent également visiter les moyens de transport concourant à l'exploration du plateau continental ou à l'exploitation de ses ressources naturelles, à l'intérieur des zones de sécurité prévues par l'article 4 ci-dessus et dans la zone maritime du rayon des douanes.

...

### TITRE IV

#### *Dispositions relatives aux redevances*

*Art. 20.* — Les titulaires de concessions d'hydrocarbures liquides ou gazeux sur le plateau continental sont assujettis au paiement de la redevance annuelle prévue par l'article 31 du code minier.

...

*Art. 22.* — Les exploitations de ressources végétales ou animales comportant un établissement de pêche ou de culture marine sur le plateau continental sont assujetties au paiement d'une redevance annuelle au profit de l'État.

...

### TITRE V

#### *Dispositions pénales*

*Art. 24.* — Quiconque aura entrepris sur le plateau continental une activité en vue de son exploration ou de l'exploitation de ses ressources naturelles sans



l'autorisation prévue à l'article 2 ci-dessus ou sans que soient respectées les conditions fixées par ladite autorisation, sera puni d'un emprisonnement de onze jours à trois mois et d'une amende de 1 000 F à 5 000 F ou de l'une de ces deux peines seulement. En cas de récidive, la peine d'amende sera de 2 000 F à 10 000 F et un emprisonnement n'excédant pas cinq ans pourra en outre être prononcé.

De plus, le tribunal pourra ordonner, s'il y a lieu, soit l'enlèvement des installations et dispositifs mis en place sur les lieux d'exploration ou d'exploitation sans l'autorisation mentionnée à l'alinéa précédent, soit leur mise en conformité avec les conditions fixées par cette autorisation. Il pourra impartir au condamné un délai pour procéder, selon le cas, à l'enlèvement des installations ou dispositifs ou à leur mise en conformité.

Les peines prévues à l'alinéa premier seront également applicables en cas d'inexécution, dans les délais prescrits, des travaux d'enlèvement ou de mise en conformité visés à l'alinéa 2.

Si à l'expiration du délai fixé par le jugement, l'enlèvement des installations et dispositifs ou leur mise en conformité, selon le cas, n'a pas eu lieu ou n'est pas terminé, l'autorité administrative désignée par décret en Conseil d'État pourra faire procéder d'office à tous travaux nécessaires à l'exécution de la décision de justice, aux frais et aux risques du condamné.

## 16. GHANA

### (a) MINERAL ACT 1962, AS AMENDED<sup>1</sup> (Act No. 126 of 14 June 1962)

#### 1. *Minerals, etc. to be vested in President*

Subject as hereinafter expressly provided, the entire property in and control of all minerals in, under or upon, any lands in Ghana, all rivers, streams and watercourses throughout Ghana and land covered by territorial waters, and of the continental shelf are hereby declared to be vested in the President on behalf of the Republic of Ghana in trust for the People of Ghana:

...

#### 12. *Interpretation*

In this Act, unless the context otherwise requires—

“minerals” include minerals and ores of all kinds including precious stones, coal, mineral oil and gases;

“territorial waters” means the territorial waters of Ghana below low-water mark;

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<sup>1</sup> By the Territorial Waters and Continental Shelf Act, 1963, section 3, see *infra* (b).

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

...

5. *Interpretation*

- (1) For the purposes of this and any other enactment, "continental shelf" includes the sea-bed and subsoil of marine areas to a depth of one hundred fathoms contiguous to the coast and seaward of the area of land beneath the territorial waters of the Republic and all the resources of any such area including minerals and other inorganic as well as organic matter;

...

- (2) For the avoidance of doubt it is hereby declared that the continental shelf seaward of the territorial waters is vested in the President on behalf of the Republic in trust for the people of Ghana.

17. GREECE<sup>1</sup>

18. GUATEMALA

(a) PETROLEUM CODE, ENACTED BY DECREE NO. 345 OF 7 JULY 1955\*\*

...

TITLE I. GENERAL PROVISIONS AND NATIONAL RESERVE ZONES

CHAPTER I—GENERAL PROVISIONS

*Article 1.* All of the natural deposits or occurrences of petroleum that are located within the terrestrial or maritime limits of the Republic or within the outer limit of the continental platform belong to the Nation.

Ownership over the same is inalienable and not subject to prescription.

...

*Article 2.* For the purposes of this Code, petroleum shall mean all natural mixtures of oil or gas and the oils and gases of which petroleum is composed, which accompany it or which are derived from it, regardless of their physical state.

*Article 3.* Everything connected with operations for the surface reconnaissance, exploration, exploitation, processing and transport of petroleum shall be declared

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IX, 5.

to be of public utility and shall be governed by the provisions of this Code and its regulations.

The State shall have the power to carry out such operations itself or to grant petroleum concessions so that they may be undertaken by national or foreign individuals or bodies corporate having legal capacity and domiciled in the Republic of who (which) appoint a duly briefed and financed agent and who (which) give proof of the financial capacity and technical skill required to carry out the operations for which they are requesting a concession.

*Article 4.* No person shall engage in petroleum operations unless he has a petroleum concession for the surface reconnaissance, exploration, exploitation, processing or transport of petroleum.

The granting of these concessions shall in no case convey ownership of the petroleum deposits.

*Article 6.* The following shall not acquire petroleum concessions themselves or through third parties:

(a) Foreign Governments or States, and persons, institutions or agencies directly or indirectly belonging or responsible to them. Nor shall they acquire, possess or be usufructuaries, lessees or owners of the property being used in petroleum operations;

(b) Civil servants and public employees who, in conformity with this Code, are required directly or indirectly to intervene, take decisions or pass judgement in petroleum matters. This shall include parents, spouses and children under their paternal authority; it shall not, however, apply to petroleum concessions acquired prior to their taking office or to concessions acquired by inheritance; and

(c) Persons in default with the State for any payment or loan deriving from or related to a petroleum concession, unless they put up a bond or collateral or real security or deposit a sum sufficient to cover payment of the amounts in dispute.

...

*Article 8.* The State may, for reasons of national security, restrict the granting of petroleum concessions in areas situated within fifteen kilometres of the frontiers.

*Article 9.* No petroleum concession may be granted unless the applicant provides sufficient and reasonable security in advance to cover payment of any damages he may incur *vis-à-vis* third parties and of any amounts he may be required to pay in accordance with this Code and its regulations.

...

*Article 18.* Stock companies established in the Republic with foreign capital for the purpose of engaging in petroleum operations shall, in the manner laid down in the regulations and for a period of at least ninety days, give Guatemalans the public option of contributing at least thirty per cent of the initial capital, on equal terms with the founders. They shall be under the same obligation when unsubscribed shares of the authorized capital are to be sold or when the authorized capital is to be increased, except that in the latter cases only persons who have bought shares of the initial capital shall be entitled to buy them.

The shares of such firms shall be registered and the issue of bearer stock shall be prohibited; alienation in favour of persons not competent to acquire petroleum concessions shall be void.

## CHAPTER II—NATIONAL RESERVE ZONES

...

*Article 21.* Holdings which, having formed part of an exploration or exploitation concession, have for any reason reverted to the State shall be national reserve zones.

The State may refuse to grant petroleum concessions on land forming part of regions used for agriculture, animal husbandry or industry, if it considers that petroleum operations in such zones may be incompatible with Guatemalan petroleum policy.

For the purposes of this Code, Guatemala's petroleum policy shall promote the rapid, uninterrupted and efficient execution of operations for the discovery, development, exploitation, processing, transport and distribution of petroleum in Guatemala, preferably through private enterprise and investment in such a manner that it is compatible with the national well-being.

(b) PETROLEUM CODE REGULATIONS, ENACTED BY DECREE NO. 445  
OF 24 OCTOBER 1955\*

(c) MINING CODE, ENACTED BY THE LEGISLATIVE DECREE NO. 342  
OF 22 APRIL 1965\*\*

## CHAPTER I—OWNERSHIP AND CLASSIFICATION OF MINERALS

*Article 1.* For the purposes of this Code, all minerals found within the land or sea boundaries of Guatemalan territory, whether on, in or under the surface of the earth, river's lakes, seas and continental shelf, shall be the property of the nation, with the exception of quarries, which are governed by special regulations. National ownership of these assets shall be inalienable and imprescriptible.

...

The State may grant to individuals, for a specific period of time, the right to reconnoitre, explore and exploit minerals and to carry out these operations either on their own account or in association.

## CHAPTER XVI—NATIONAL RESERVES

*Article 115.* When it is in the interest of the State, the Executive may declare certain minerals, regardless of the ownership of the land in which they are found, to be national reserves, with the exception, in each case, of minerals covered by existing exploration or exploitation concessions, within the areas to which such concessions refer.

(d) CONSTITUTION OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965, articles 3, 129 and 134<sup>1</sup>

(e) GOVERNMENTAL DECREES<sup>2</sup> OF 20 JANUARY 1967 CONCERNING THE ZONES OF RESERVES OF SULPHUR AND IRON DEPOSITS\*\*

1.

*Article 1.* A national reserve shall be established consisting of the sulphur deposits in the departments of Alta Verapaz, Isabal, Baja Verapaz and Guatemala, and in the areas of the territory of El Petén not yet known to have been explored, on the coast of the department of Jutiapa, Santa Rosa, Escuintla, Suchitepéquez, Retalhuleu, Quezaltenango and San Marcos and in the continental shelf belonging to Guatemala and underlying the waters of Amatique Bay and the Pacific Ocean.

For the purposes of this provision, the coast shall mean that part of the national territory lying between mean sea level and a point 300 metres above that level.

*Article 2.* As a consequence of the foregoing article, authorization for the exploration or exploitation of the above-mentioned mineral, regardless of the circumstances under which it is found, may not be granted when it is situated in the zones and departments indicated.

...

*Article 4.* This Resolution shall apply to any petrographic form or type and to any variety or physical state in which sulphur is the principal component, except gypsum and anhydrite, and to any category of deposit, whether of volcanic origin or constituting strata overlying salt domes, and whether the sulphur occurs sublimated in emanations of subterranean origin or in any other form.

...

2.

*Article 1.* To establish a national reserve régime for the iron and bauxite deposits in the entire territory of the Republic, including the continental shelf.

An exception shall be made in those cases in which negotiations are pending concerning the exploration and exploitation of the deposits in question.

*Article 2.* No exploration or exploitation of the minerals to which this Resolution applies may be undertaken by individuals; however, the Government of the Republic, through the Ministry of Economy, may enter into contracts for the industrial exploitation of such minerals in accordance with the development plans prepared by the Government.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I. 18 (b).

<sup>2</sup> Published in *Diario Oficial* of 25 January 1967.

## 19. ICELAND

ACT<sup>1</sup> OF 24 MARCH 1969 REGARDING THE SOVEREIGN RIGHTS OF THE ICELANDIC STATE OVER THE CONTINENTAL SHELF AROUND ICELAND*Article 1*

The Icelandic State exercises over the continental shelf of Iceland full and unimpaired sovereign rights for the purpose of exploring it and exploiting its natural resources. All such resources are the property of the Icelandic State, and Icelandic laws are effective in all respects in those matters.

*Article 2*

The provisions of Article 1 include all such minerals, solid, liquid, and gaseous, as may be found in the continental shelf of Iceland, and all its other resources, organic and inorganic.

*Article 3*

For the purpose of this Act the continental shelf of Iceland is considered to extend as far out from the coast of Iceland as it may be possible to exploit its resources. The continental shelves of islands lying outside the territorial sea shall be demarked in a similar manner.

*Article 4*

The Minister concerned will set by Regulations more precise provisions regarding the performance of the exploration of the resources of the continental shelf and their exploitation, and at the same time regarding its more precise demarkation and such other points as may be considered necessary.

## 20. INDIA

(a) CONSTITUTION OF INDIA, article 297<sup>2</sup>

(b) OILFIELDS (REGULATION AND DEVELOPMENT) ACT 1948<sup>3\*</sup>

(c) PETROLEUM AND NATURAL GAS RULES, 1959<sup>4</sup>

## CHAPTER I—PRELIMINARY

...

*Article 3. Definitions*

In these rules, unless the context otherwise requires,

(aa) "continental shelf" means the sea-bed and subsoil of submarine areas adjacent to the coast of India including its islands but outside the area of its

<sup>1</sup> English text provided by the Permanent Mission of Iceland to the United Nations.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter IX, 7 (a).

<sup>3</sup> As modified up to 1 June 1958.

<sup>4</sup> Notification of 24 November 1959 by the Government of India. The Rules came into force on 25 November 1959.

territorial waters, to a depth of 200 metres, or beyond that limit to where the depth of the superjacent water admits of the exploitation of natural resources of the areas;

...

## CHAPTER II—GENERAL

### *Article 4. No prospecting or mining except under a licence or a lease*

No person shall prospect for petroleum except in pursuance of a petroleum exploration licence (hereinafter referred to as a licence) granted under these rules, and no person shall mine petroleum except in pursuance of a petroleum mining lease (hereinafter referred to as a lease) granted under these rules.

#### 5. *Grant of licence or lease:*

(1) A licence or lease in respect of

(i) any land or mineral underlying the ocean within the territorial waters or the continental shelf of India and vested in the Union, shall be granted by the Central Government; and

(ii) any land vested in a State Government, shall be granted by the State Government.

(2) Every licence and lease shall contain such of the terms covenants and conditions prescribed by those rules as are applicable and such additional terms, covenants and conditions as may be provided in the agreement between the Central Government and the licensee or the lessee;

Provided that where the licence or lease has been or is to be granted by the State Government, the Central Government shall consult the State Government before agreeing to such additional terms, covenants and conditions;

(3) The Central Government, if it deems fit, may from time to time notify in the official Gazette, particulars regarding the basis on which the Central Government may be prepared to consider proposals for prospecting or mining operations in any specified area or areas;

...

## CHAPTER VI—CONSERVATION AND DEVELOPMENT

...

### *Article 29. Control of operations to prevent escape of petroleum or access of water:*

The Central Government may after reasonable notice to the lessee,—

(a) assume control of the operation of an oil-well or gas-well and adopt such means as may appear to it necessary or expedient to prevent the escape of petroleum or water from the well, if the lessee fails to do so or appears unable to do so;

(b) assume control of the operation of an oil-well or gas-well and adopt such means as may appear to it necessary or expedient to prevent the access of water to such well; or to the petroleum-bearing or gas-bearing strata or to both;

(c) for the above purposes appoint such agents as may be deemed necessary and authorise them to enter upon the premises and perform the work and for this purpose to take possession of and use any drilling rig, derrick, tools, machinery and other appliances or materials necessary for the performance of the work which may be upon the location or which may be in the possession or control of the lessee; and

(d) recover from the lessee all the costs and expenses incurred in the performance of the operations so undertaken by the Central Government.

...

## 21. IRAN

### (a) LOI<sup>1</sup> DU 19 JUIN 1955 SUR LE PLATEAU CONTINENTAL

#### *Article 1*

L'expression «plateau continental» employée dans la présente loi a la même signification que l'expression anglaise «*continental shelf*» et l'expression française «plateau continental».

#### *Article 2*

Les régions ainsi que les ressources naturelles du fond de la mer et du sous-sol marin jusqu'aux limites du plateau continental s'étendent à partir des côtes de l'Iran et de celles des îles iraniennes dans le golfe Persique et dans la mer d'Oman, appartiennent au gouvernement iranien et se trouvent sous la souveraineté du Gouvernement de l'Iran.

REMARQUE. — Les règles du droit international sur les mers fermées s'appliqueront à la mer Caspienne.

#### *Article 3*

Au cas où le plateau continental mentionné à l'article précité s'étendrait jusqu'aux côtes d'un autre pays, ou serait commun avec celui d'un pays voisin, et si les différends surgissent sur les limites du plateau continental de l'Iran, ces différends seront résolus conformément aux règles de l'équité, et le gouvernement prendra les mesures nécessaires pour la résolution des différends éventuels par la voie diplomatique.

#### *Article 4*

La présente loi n'entraînera aucune modification dans les dispositions de la loi<sup>2</sup> du 24 tir 1313 sur la délimitation des limites des eaux territoriales et la zone du contrôle maritime de l'Iran, et la susdite loi restera en vigueur.

<sup>1</sup> Traduction officielle fournie par la Mission permanente de l'Iran auprès de l'Organisation des Nations Unies. (Voir ST/LEG/SER.B/6, p. 25).

<sup>2</sup> Voir Territorial Sea Delimitation.



*Article 5*

La présente loi n'entraînera aucune modification dans le régime des eaux du plateau continental en ce qui concerne le droit de libre navigation et du régime des câbles sous-marins. Le gouvernement pourra créer les institutions nécessaires pour la prospection et l'exploitation des ressources naturelles du plateau continental et prendra les mesures nécessaires pour garantir la sécurité de ces institutions.

(b) ACT OF 31 JULY 1957 ON SURVEY, EXPLORATION AND EXPLOITATION OF THE OIL RESOURCES IN THE IRANIAN TERRITORY AND ITS CONTINENTAL SHELF<sup>1</sup>

*Article 1.* With a view to extending as rapidly as possible the operations of research, exploration and extraction of petroleum throughout the country and the continental shelf, excluding that part of Iranian territory which has been defined as the area of operations of the Consortium in accordance with the Agreement for the Sale of Oil dated 29th October, 1954, and also with a view to extending promptly the operations of refining, transportation and sale, throughout the territory as well as abroad, of all petroleum to be obtained from outside the Consortium area, the National Iranian Oil Company is authorised to proceed in accordance with the rules and provisions of this Act.

*Note 1.* Petroleum, as used in this Act, means crude oil, natural gas, asphalt, all liquid hydrocarbons whether found in a natural state or obtained through separation from crude or natural gas by means of different processes, and any finished or semi-finished product derived from such substances by condensation, refining, chemical treatment, or other method or process, whether now known or not.

...

*Article 2.* In execution of the provisions of this Act, the National Iranian Oil Company may negotiate with any person, whether Iranian or foreign, whose technical and financial competence shall have been established, and may conclude with such person any agreement<sup>2</sup> which it deems appropriate, on the basis of the

<sup>1</sup> *Official Gazette* No. 3642. English text provided by the Permanent Mission of Iran to the United Nations.

<sup>2</sup> In accordance with the explanatory remarks made in the note of 20 June 1968 from the Permanent Representative of Iran to the United Nations, those agreements together with the relevant laws and regulations provide the body of rules which govern Iran's actions and policies with respect to matters related to the law of the sea. The following agreements between the Iranian National Oil Company and a number of foreign entities for exploitation of the Iranian off-shore resources are in force:

1. Agreement between National Iranian Oil Company and Pan American Petroleum Corporation, dated 24 April 1958.
2. Agreement between National Iranian Oil Company and Farsi Petroleum Company (F.P.C.) dated 19 January 1965.
3. Joint Structure Agreement between National Iranian Oil Company and Iranian Marine International Oil Company, dated 17 January 1965.
4. Joint Structure Agreement between National Iranian Oil Company and Bataafse Petroleum Maatschappij N.V., dated 16 January 1965.

terms and stipulations of this Act and other conditions not inconsistent with the laws of the country. The agreement thus drawn up shall be signed by the National Iranian Oil Company and submitted to the Council of Ministers, which if it confirms the same, shall place it before the Legislature for approval. Agreements thus signed shall be enforceable after approval by the Legislature and with effect from the date of such approval.

## 22. IRAQ

### (a) OFFICIAL PROCLAMATION OF 23 NOVEMBER 1957<sup>1</sup>

The Government of Iraq being anxious to exploit the natural resources of Iraq to the fullest possible extent, and being convinced that a considerable amount of such resources lies at the bottom of the maritime zone extending outwards to the sea and contiguous to the Iraqi territorial sea, and being further confident that the exploitation of such resources in such a way as will bring benefit to the Iraqi people has become possible in view of modern scientific progress;

It therefore declares that all natural resources existing on the sea-bed and the sub-soil beneath it are the property of Iraq and that Iraq has exclusive general jurisdiction over such resources and over their preservation and exploitation. It has likewise the exclusive right to take all measures necessary for the exploration of such resources and their exploitation in such a way as it deems suitable. It has also the right to take such administrative and legislative measures as are

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5. Joint Structure Agreement of 16 January 1965 between National Iranian Oil Company and:

Tidewater Oil Company  
Skelly Oil Company  
Sunray DX Oil Company  
The Superior Oil Company  
Kerr-McGee Oil Industries, Inc.  
Cities Service Company  
Richfield Oil Corporation.

6. Joint Structure Agreement of 18 January 1965 between National Iranian Oil Company and:

Atlantic Refining Company  
Murphy Oil Corporation  
Sun Oil Company  
Union Oil Company of California.

7. Joint Structure Agreement of 16 June 1965 between National Iranian Oil Company and:

Wintershall Aktiengesellschaft  
Deutsche Schatbau – UND  
Tiefbohrgesellschaft M.B.H.  
Gelsenkirchener Bergwerks—Aktiengesellschaft  
Gewerkschaft Elwerath  
Scholven—Chemie Aktiengesellschaft  
Deutsche Erdoel—Aktiengesellschaft  
Preussag Aktiengesellschaft.

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<sup>1</sup> *Government Gazette* No. 4069 of 27 November 1957.

necessary for the protection of all constructions required by the process of exploration and exploitation.

The Government of Iraq wishes to assert that the sole purpose of its issue of this proclamation is the exercise of rights established by international practice. It also wishes to assert that nothing in this proclamation shall infringe the established rules pertaining to the freedom of navigation.

(b) PROCLAMATION<sup>1</sup> OF 10 APRIL 1958

In affirmation of the proclamation of the Government of Iraq made on 23rd November 1957 establishing the rights of the Iraqi State to the waters contiguous to Iraqi territorial waters; the Government of Iraq declares that its full sovereignty extends to Iraqi territorial waters and to the air-space over these waters and to the surface and subsoil of the sea-bed beneath them. The Government of Iraq wishes to assert that such works and constructions as have been or will be undertaken in this zone or the zone encompassing the waters contiguous to it are subject to the sovereignty of the Iraqi State, and that the undertaking of such works and constructions is permissible to none other than the Iraqi authorities or to such quarters as may be duly authorized by Iraqi authorities. While declaring this in establishment of its rights, the Government of Iraq declares also its adherence to international practice in this respect and to the principle of equidistance which guarantees to Iraq freedom of passage into and out of the high seas.

While declaring the above, the Government of Iraq declares also its non-recognition of any proclamation, declaration, legislation or planning pertaining to territorial waters or to contiguous waters issued by any neighbouring country in contradiction with the contents of this proclamation.

(c) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958, article 4<sup>2</sup>

(d) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS, article 4<sup>3</sup>

## 23. IRELAND

The legislation is in preparation.<sup>3</sup>

<sup>1</sup> *Ibid.*, No. 4128 of 10 April 1958.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 22 (b) and (c), respectively.

<sup>3</sup> According to information from the Permanent Mission of Ireland to the United Nations, there is as yet no legislation in Ireland on the continental shelf but this is in preparation.

## 24. ITALY

ACT<sup>1</sup> 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\*\*

## TITLE I

Surveying and production of oil and gas in the territorial sea and continental shelf

## CHAPTER I

*The Continental Shelf**Art. 1*

For the purpose of this Act, the term "continental shelf" is used as referring to the sea-bed and subsoil of the submarine areas adjacent to the territory of the Italian peninsula and islands 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 of the exploitation of the natural resources of the said areas.

The outer boundary of the Italian continental shelf shall be determined by agreement with the States whose coasts are opposite those of the Italian State and which share the same continental shelf.

Pending the entry into force of the agreements referred to in the preceding paragraph, non-exclusive prospecting and surveying licences and concessions for producing oil and gas in the Italian continental shelf shall be issued only in respect of the Italian side of the median line between the Italian coast and that of the opposite States.

## CHAPTER II

*Purpose of the Title**Art. 2*

The right to explore the continental shelf and exploit its natural resources shall be vested in the State.

Operations undertaken with a view to prospecting for, surveying and producing oil and gas in the subsoil of the submarine areas adjacent to the territory of the Italian peninsula and islands, from the coast at low tide to the outer boundary of the Italian continental shelf, shall be subject to the provisions of this Act and to those provisions of the laws in force which are not in conflict therewith.

The operations referred to in the preceding paragraph shall be carried out in such a manner as not to result in unjustifiable interference with the freedom of navigation, fishing, the conservation of the living resources of the sea, other uses of the high seas authorized by international law, or the conservation of the shore, beaches, roadsteads and ports.

<sup>1</sup> *Gazette Ufficiale*, 1967, No. 194, p. 4302. See also Navigation Code of 30 March 1942, article 2 in ST/LEG/SER.B/6, p. 162.

Minerals extracted from the continental shelf shall, for all purposes, including taxation not provided for in this Act, be deemed to be equivalent to those extracted in Italian territory.

Authorizations and concessions for exploring the continental shelf for purposes other than those provided for in the foregoing paragraphs and for exploiting natural resources other than gas, oil and other minerals shall come within the jurisdiction of the maritime administration. Such authorizations and concessions shall be governed, in so far as applicable, by the provisions of the Navigation Code and the related regulations, and by the rules in force for determining the relevant fee.

#### *Art. 3*

The activities referred to in the second paragraph of the preceding article shall be carried out in the following stages:

(1) Prospecting, which shall consist of reconnaissance of the surface of the entire subsoil of the sea-bed of the territorial sea and continental shelf with a view to ascertaining its geo-mineral characteristics;

(2) Prospecting, similar to the foregoing but in a delimited zone, which shall be permitted on a non-exclusive basis;

(3) Surveying on an exclusive basis in a zone of predetermined topography and size, which shall consist of all operations, including mechanical drilling, undertaken with a view to discovering deposits;

(4) Production on an exclusive basis in the area covered by the survey licence with a view to exploiting the deposits discovered.

Stage (1) shall have absolute priority; this stage shall be reserved, provisionally on an exclusive basis, for the National Hydrocarbons Agency (*Ente nazionale idrocarburi*).

Stage (2) shall not be mandatory and may be authorized either before, or at the same time as stages (3) and (4); stage (3) shall be mandatory before proceeding to the production stage (4).

...

#### *Art. 9*

... prospecting licences shall be issued to applicant Italian citizens or enterprises and to companies that have their head offices in Italy, and to individuals and corporate bodies having the nationality of States that permit Italian citizens, enterprises and companies to survey for and produce oil and gas in their territorial waters and continental shelf, and which have the technical and financial capacity required to undertake the prospecting operations.

#### *Art. 10*

...

Prospecting licences shall be non-exclusive.

...

#### *Art. 13*

Prospecting licences shall not be transferable *inter vivos*.

...

## CHAPTER IV

*Surveying Licences**Art. 16*

Surveying licences shall be exclusive and shall be issued to applicant Italian citizens or enterprises or to companies that have their head offices in Italy, and to individuals and corporate bodies having the nationality of States that permit Italian citizens, enterprises and companies to survey for and produce oil and gas in their territorial waters and continental shelf, and which have the technical and financial capacity required for surveying marine areas.

Where competing applications are submitted for the same zone, consideration shall be given to the rationality and completeness of the planned work programme, to the speedy development of such deposits as may be found, to the guarantees offered for carrying out the aforesaid programme, particularly as regards mining experience, and to the contribution which the applicant has made or is making to Italy's power resources.

*Ceteris paribus* the first applicant shall have priority.

...

*Art 18*

A surveying licence may be issued to one or more physical persons or corporate bodies, including joint stock companies, fulfilling the requirements referred to in article 16, in accordance with the shares specified in the licence applications.

...

## CHAPTER V

*Production**Art. 27*

Any licensee who, upon drilling a well, finds oil or gas shall be granted a production concession for an area which includes that well, provided that the output of the well and other available geo-mineral data make the development of the deposit so discovered technically and economically justifiable.

The area referred to in the preceding paragraph shall be such as to enable the deposit to be developed efficiently.

...

*Art. 34*

Up to 50 per cent of the declared profits of companies and corporations, assessed for tax purposes on the basis of their balance-sheets, which are derived from activities relating to the production of oil and gas in the areas referred to in article 2 shall be exempt from the Category B movable property tax for twenty years from the date of the entry into force of this Act if they are invested directly in the non-exclusive prospecting for, or the exclusive surveying of, oil and gas, or in both activities, carried out in the territorial sea, the continental shelf or zones of the national territory subject to the provisions of Act No. 6 of 11 January 1957.

Up to 50 per cent of the cost of the activities referred to in the preceding paragraph shall be eligible for exemption.

In order to obtain the exemption referred to in the first paragraph, companies and corporations whose tax liability is assessed on the basis of their balance-sheets must specifically apply for it by making an annual declaration of income and stating the proportion of the profits which they intend to invest. The declaration shall be accompanied by a draft investment schedule specifying the date of commencement and completion of the operations, their cost and the relevant financing plan.

#### CHAPTER VIII

#### *Final and Interim Provisions*

...

#### *Art. 49*

Surveying and production installations on the Italian continental shelf shall be subject to the laws of the State.

The powers conferred on State organs in their respective purviews shall be exercised by the organs which have jurisdiction over the coast nearest to the installation.

Documents drawn up and acts performed in such installations shall be governed by articles 4 and 5 of the Navigation Code, approved by Royal Decree No. 327 of 30 March 1942, until such time as the installations are afloat.

...

#### *Art. 55*

The oil and gas extracted from the sea-bed referred to in article 2 are intended primarily for the national market. They shall not be exported without the authorization of the Minister of Foreign Trade, subject to the assent of the Minister of Industry, Commerce and Handicrafts.

Gas extracted from the sea-bed referred to in article 2 shall not be sold or otherwise utilized by the concession-holder, except for the purposes referred to in the third paragraph of article 33, without first being offered for sale to the National Hydrocarbons Agency.

In the absence of agreement between the parties, the terms of sale shall be laid down by the Ministry of Industry, Commerce and Handicrafts, after consultation with the parties and with the Technical Committee for Hydrocarbons

Programmes for the utilization of gas shall be subject to the approval of the Ministry of Industry, Commerce and Handicrafts, with the assent of the Ministry for State-subsidized Industries, which shall base its decisions on the sectoral programmes adopted by the Inter-Ministerial Committee for Economic Programming.

## 25. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 3<sup>1</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 24.

## 26. KUWAIT

KUWAITI PROCLAMATION WITH RESPECT TO THE SEA-BED AND THE SUBSOIL OF THE HIGH SEAS OF THE PERSIAN GULF, DATED 12 JUNE 1949<sup>1</sup>

<sup>1</sup>For the text, see ST/LEG/SER.B/1, p. 26. In accordance with the information supplied by the Permanent Mission of the State of Kuwait, Oil Concession Agreement dated 15 January 1961 between the Ruler of Kuwait and Kuwait Shell Petroleum Development Co. Ltd, in its article I, defines the sea-bed and sub-soil underlying the waters of the Arabian Gulf which are the subject of the above Proclamation, and indicates by co-ordinates its approximate boundaries. The relevant part of the Agreement reads as follows:

*Whereas:*

1.—There appertains to the State of Kuwait the seabed and the subsoil lying beneath the high seas of the Arabian Gulf contiguous to the territorial waters of Kuwait and extending seawards to boundaries to be defined with greater precision when an opportunity offers and on equitable principles after discussions between Kuwait and the neighbouring States, and this seabed and subsoil are subject to the Emir's jurisdiction and control and the Emir is accordingly the owner of the oil and gas rights in the said seabed and subsoil; and

2.—The Company is desirous of obtaining from the Emir and the Emir is desirous of granting unto the Company, the concessions and rights hereinafter set forth and described in and to the Concession Area as herein defined upon the terms and conditions hereinafter set forth.

NOW THEREFORE in consideration of the premises and the mutual agreements and undertaking hereinafter contained, the Emir and the Company hereby agree as follows:

*Article 1.*

In this Agreement unless inconsistent with the subject or context,

"Concession Area" means and includes:

- (i) All the seabed and subsoil underlying the waters of the Arabian Gulf the subject of the Proclamation made by the then Ruler of Kuwait on 12th June, 1949, but excluding Concessionary Waters (as hereinafter defined),
- (ii) Any and all islands, islets, shoals and bars, which fall within the jurisdiction of the Emir and lie within the boundaries of the area defined in (i) above but excluding the islands of Warbah, Bubiyan, Failaka, Mashjan, Auha, and Kubr and their Concessionary Waters. (The islands of Qaru and Umm al Maradim fall within the jurisdiction of the Emir but lie beyond the boundaries of the Concession Area and, together with their Concessionary Waters, are excluded therefrom.)

The approximate boundaries of the seabed to which Kuwait is entitled are straight lines joining the following points:

- (i) The seaward end of the boundary between Kuwait and Iraq in the Khor Abdullah;
- (ii) A point 29° 43' 12" N and 48° 31' 30" E
- (iii) A point 29° 35' 00" N and 48° 37' 00" E
- (iv) A point 29° 32' 24" N and 48° 47' 24" E
- (v) A point 29° 21' 54" N and 49° 13' 18" E
- (vi) A point 28° 58' 36" N and 49° 29' 48" E
- (vii) A point 29° 01' 36" N and 48° 52' 12" E
- (viii) A point 28° 49' 42" N and 48° 22' 30" E
- (ix) A point 28° 50' 42" N and 48° 19' 06" E



## 27. MALAYSIA

(a) CONTINENTAL SHELF ACT, 1966 (ACT OF PARLIAMENT NO. 57 OF 1966,  
28 JULY 1966)

...

*Interpretation*

2. In this Act, unless the context otherwise requires—

“continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of the States of Malaya but beyond the limits of the territorial waters adjacent to those States, the surface of which lies at a depth no greater than 200 metres below the surface of the sea, or, where depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth:

Provided that in the case of the west coast of the States of Malaya the extent of the continental shelf shall be determined in accordance with Article 6 of the Geneva Convention on the Continental Shelf (1958) set out in the Schedule to this Act;

“Minister” means the Minister charged with the responsibility for lands and mines;

“natural resources” means—

(a) the mineral and other natural non-living resources of the sea-bed and subsoil; and

(b) living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oils can be extracted by destructive distillation.

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(x) The seaward end of the boundary between Kuwait and the Kuwait/Saudi-Arabian Neutral Zone.

*“Concessionary Waters”*

Means the waters contiguous to and extending from the mainland and the following named islands of Kuwait:

- (i) Up to a distance of six nautical miles from the low water base line or base points used on the 11th day of October, 1955, corresponding to the 24th day of Safar, 1375, for delimiting the territorial waters of Kuwait including the base line or base points along the shores of the islands of Warbah, Bubiyan, Failaka, Mashjan and Auha; provided that where the said base line 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 48° 14' 00" East and
- (ii) up to a distance of three nautical miles from the low water base line or base points used on the 22nd day of September, 1949, corresponding to the 30th day of Zoulka'ada, 1368, for delimiting the territorial waters contiguous to the shores of the island of Kubr.

*Rights with respect to continental shelf*

3. All rights with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Federation and exercisable by the Government of the Federation.

*Exploration, prospecting and mining for petroleum and other minerals on continental shelf*

4. (1) No person shall explore, prospect or bore for or carry on any operations for the getting of petroleum in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued, or by virtue of a petroleum agreement entered into, under the provisions of the Petroleum Mining Act, 1966;<sup>1</sup> and the provisions of this Act shall apply in all respects to the exploration, prospecting and mining for petroleum in the sea-bed or subsoil of the continental shelf.

(2) For the purpose of the following subsections, the expression "minerals" shall be construed as to mean minerals other than petroleum.

(3) No person shall explore, prospect or bore for or carry on any operations for the getting of minerals in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued under the provisions of the following subsections.

...

(6) The grant of a licence under subsection (4) shall in every case be in the absolute discretion of the Minister and any number of such licences may be granted to the same person; and every licence may be so granted as to be enjoyed by the licensee thereof in common with other licensees to whom licences under subsection (4) may have been granted or may hereafter be granted.

(7) Any person who explores, prospects, bores or mines for, or carries on operations for the recovery of any minerals in the sea-bed or subsoil of the continental shelf otherwise than pursuant to a licence under subsection (4) and in accordance with the conditions of the licence (not being a condition relating to the payment of royalties to the Government of the Federation) commits an offence, and shall on conviction be liable to a term of imprisonment not exceeding two years or to a fine not exceeding twenty thousand dollars or to both such imprisonment and fine; and all machinery, tools, plant, buildings and other property together with any minerals or other products which may be found upon or proved to have been obtained from the area of the continental shelf so unlawfully explored, prospected or mined shall be liable to forfeiture.

*Application of criminal and civil law*

5. (1) Subject to the provisions of this Act, for the purposes of this Act and of every other written law (whether passed before or after the passing of this Act) for the time being in force in the Federation—

(a) every act or omission which takes place on or under or above, or any waters within five hundred metres of, any installation or device (whether temporary or permanent) constructed, erected, placed, or used in, on, or above the continental

<sup>1</sup> No. 58 of 1966. See *infra*. (b).

shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources shall be deemed to take place in the Federation; and

(b) every such installation or device or any waters within five hundred metres of such installation or device shall be deemed to be situated in the Federation, and for the purposes of jurisdiction shall be deemed to be situated in that part of the Federation above high-water mark at ordinary spring tides which is nearest to that installation or device; and

(c) every Court in the Federation which would have jurisdiction (whether civil or criminal) in respect of that act or omission if it had taken place in the Federation shall have jurisdiction accordingly; and

(d) every power of arrest or of entry or search or seizure or other power that could be exercised under any written law (whether passed before or after the passing of this Act) in respect of any such act or omission or suspected act or omission if it had taken place or was suspected to have taken place in the Federation may be exercised on or in respect of any such installation or device or any waters within five hundred metres thereof as if the installation or device or such waters were in the Federation; and

(e) without limiting the provisions of the Customs Ordinance, 1952,<sup>1</sup> every installation or device, and any materials or parts used in the construction of an installation or device, which are brought into the waters above the continental shelf from parts beyond the seas shall be deemed to have been imported into the Federation at the time when the installation or device is constructed, erected, or placed in, on, or above the continental shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources.

...

#### *Power to make regulations*

6. (1) The Yang di-Pertuan Agong may from time to time make regulations for all or any of the following purposes—

(a) regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources;

(b) prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation;

(c) establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf;

(d) prescribing such measures as he considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established;

(e) regulating or prohibiting the entry of ships into any such safety zone;

(f) prescribing measures to be taken in any such safety zone for the protection

<sup>1</sup> No. 42 of 1952.

of the living resources of the sea and the natural resources of the continental shelf from harmful agents;

(g) prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf;

(h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf;

(i) providing for the removal of installations or devices constructed, erected, or placed in, on or above the continental shelf which have been abandoned or become disused;

(j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Yang di-Pertuan Agong could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;

(k) providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof;

(l) prescribing penalties for breaches of the regulations, not exceeding five thousand dollars.

(2) In this section the term "continental shelf" includes the sea-bed and subsoil of the submarine areas within the limits of the territorial waters adjacent to the States of Malaya:

Provided that nothing in this section shall affect the rights and powers of the State Authority under the National Land Code<sup>1</sup> or any other written law in respect of areas within the limits of the territorial waters of the State.

(b) PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966)

...

## 2. *Interpretation*

"continental shelf" has the meaning ascribed to it under section 2 of the Continental Shelf Act, 1966;<sup>2</sup>

...

"land" means any area of on-shore land within the States of Malaya and includes off-shore land adjacent to and contiguous with such on-shore land;

...

"off-shore land" means the area of the continental shelf;

"on-shore land" includes the foreshores and submarine areas beneath the territorial waters of the States of Malaya;

...

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bitu-

<sup>1</sup> No. 56 of 1965.

<sup>2</sup> No. 57 of 1966: *supra* under (a).

minous shales or other stratified deposits from which oil can be extracted by destructive distillation;

...

*Restriction on petroleum exploring, prospecting or mining*

3. (1) No person shall explore, prospect or mine for petroleum or do any act with a view to such exploring, prospecting or mining upon any land except by virtue of an exploration licence or a petroleum agreement issued or entered into under the provisions of this Act.

(2) Any person who acts in contravention of this section or of any of the conditions of the said exploration licence or a petroleum agreement which has been issued or entered into by him shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding two years, or to a fine not exceeding twenty thousand dollars, or to both such imprisonment and fine; and all machinery, tools, plant, buildings and other property together with any minerals or other products which may be found upon or proved to have been obtained from the land so unlawfully explored, prospected or mined shall be liable to forfeiture.

## 28. MAURITANIA

LOI<sup>1</sup> 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>2</sup>

...

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

...

*Eaux territoriales*

Chapitre IV. — Délimitation

...

*Art. 3.* — Le plateau continental s'étend de la laisse de la plus basse mer jusqu'à l'isobathe des fonds de deux cents mètres.

Chapitre V. — Régime

...

*Art. 2.* — Sur l'étendue du plateau continental, la République islamique de Mauritanie se réserve tous droits quant à l'exploitation du sous-sol marin.

<sup>1</sup> *Supra*, DIVISION I, SUB-DIVISION A, Chapter I, 29 and Chapter II, 12.

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

## 29. MEXICO

## POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATE

...

*Article 42*

The national territory comprises: ...

“IV. The continental shelf and the submarine shelf of the islands, keys and reefs; ...”.

...

*Article 48<sup>1</sup>*

...

*Article 27*

(fourth paragraph, first part) The Nation is the direct owner of all natural resources of the continental shelf and the submarine shelf of the islands ...

## 30. NETHERLANDS

(a) LOI<sup>2</sup> RELATIVE AUX INSTALLATIONS DANS LA MER DU NORD (1964)<sup>3</sup>

A tous ceux qui les présentes verront, salut et savoir faisons:

Ayant pris en considération qu'en vue de la protection d'intérêts juridiques et tant qu'une réglementation internationale n'aura pas été établie à cet effet, il est souhaitable de prendre des mesures à l'égard des installations sur le sol de la partie de la mer du Nord dont les limites coïncident avec celles de la partie du plateau continental appartenant aux Pays-Bas;

...

*Article 1*

Par installations en mer, la présente loi entend les installations construites en dehors des eaux territoriales sur le sol de la partie de la mer du Nord dont les limites coïncident avec celles du plateau continental appartenant aux Pays-Bas.

<sup>1</sup> For the text, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 30 (a).

<sup>2</sup> Une loi du 16 mars 1967 (*Staatsblad* 1967, No. 152) établit des règles assurant une action publique contre les infractions commises, en dehors du territoire de juridiction des tribunaux néerlandais, notamment en ce qui concerne les installations édifiées sur le fond de la mer territoriale ou sur le plateau continental néerlandais.

<sup>3</sup> *Staatsblad* 1964, no. 447. La loi est entrée en vigueur le jour suivant la date de sa publication. La traduction française non officielle a été fournie par la Mission permanente des Pays-Bas auprès des Nations Unies.

### *Article 2*

La législation pénale néerlandaise est applicable à toute personne qui se rend coupable d'un fait punissable sur une installation en mer.

### *Article 3*

Les dispositions législatives néerlandaises désignées à cet effet par « *Algemene Maatregel van Bestuur* » (règlement d'administration publique) sont applicables à bord des installations en mer et à tout ce qui concerne ces installations.

### *Article 4*

Les compétences à l'égard des installations en mer des autorités, collèges et fonctionnaires chargés soit de l'exécution des dispositions désignées en vertu de l'article 3, soit du dépistage, de la poursuite ou du jugement de faits punissables pourront être fixées par règlement d'administration publique.

### *Article 5*

Par règlement d'administration publique les dispositions du code pénal néerlandais et les dispositions législatives désignées en vertu de l'article 3 peuvent être déclarées inapplicables ou leur applicabilité peut être limitée à l'égard des installations en mer à désigner dans ce règlement.

### *Article 6*

Si, dans les trois mois suivant l'entrée en vigueur d'un règlement d'administration publique basé sur l'article 3 ou sur l'article 5 de la présente loi, Nous n'avons pas fait parvenir aux États généraux un projet de loi en vue d'amender la loi conformément à ce règlement ou si un tel projet de loi est retiré ou rejeté, Nous abrogeons sans délai le règlement.

### *Article 7*

À l'égard des installations construites en dehors des eaux territoriales ou à construire sur le sol de la partie de la mer du Nord visée à l'article 1 peuvent être fixées par règlement d'administration publique des dispositions soit dans l'intérêt de la navigation, de la pêche, de la conservation de la faune marine, de la recherche scientifique pure, de la pose et de l'entretien des câbles et des pipe-lines sous-marins, de la prévention de la pollution de la mer, soit en vue de la protection d'autres intérêts reconnus par le droit international.

### *Article 8*

Les agissements contraires aux dispositions fixées en vertu de l'article 7 sont punis d'une amende de 10.000 florins au plus. Le fait punissable est considéré comme une infraction.

- (b) LAW<sup>1</sup> OF 23 SEPTEMBER 1965, CONTAINING REGULATIONS GOVERNING THE EXPLORATION FOR AND THE PRODUCTION OF MINERALS IN OR ON THE PART OF THE CONTINENTAL SHELF SITUATED UNDER THE NORTH SEA (CONTINENTAL SHELF MINING LAW)

...

Whereas we have considered that it is desirable to enact regulations concerning the exploration for and the production of minerals in or on the part of the continental shelf situated under the North Sea in respect of which the Kingdom has sovereign rights.

...

### § 1. *Definitions*

#### *Section 1*

1. For the purposes of provisions laid down in or pursuant to this Law, the following expressions shall have the meanings hereby respectively assigned to them:

“continental shelf” means that part of the sea-bed and the subsoil thereof situated under the North Sea in respect of which the Kingdom has sovereign rights in accordance, *inter alia*, with the Convention on the Continental Shelf concluded at Geneva on 29th April, 1958 (Neth. Treaties Series 1959, 126) and which lies seawards of the line determined in pursuance of subsection 2;

“minerals” means a natural concentration or deposit in or on the continental shelf of ores, minerals or substances of organic origin, in solid, liquid or gaseous form, with the exception of water and of shells, gravel, sand and clay present on the sea-bed or immediately below the surface thereof;

“reconnaissance survey” means a survey of the continental shelf for minerals, without use being made of boreholes;

“prospecting survey” means a survey of the continental shelf for minerals, use being made of boreholes;

“Our Minister” means Our Minister of Economic Affairs;

“reconnaissance licence” means a licence for the conduct of a reconnaissance survey;

“prospecting licence” means a licence for the conduct of a prospecting survey for the minerals specified therein, as well as for the conduct of a reconnaissance survey;

“production licence” means a licence for the production of the minerals specified therein, as well as for the conduct of a prospecting survey for those minerals and for the conduct of a reconnaissance survey;

“inspection officials” means the officials designated pursuant to section 31.

2. We shall determine the line that for the purposes of provisions laid down in or pursuant to the present Law, the Law of 21st April, 1810 (Bulletin des Lois, No. 285) or the Mining Law (Mijnwet) of 1903 (“Staatsblad” 1904, 73) is deemed to be the boundary between the territorial sea and the sea under which the continental shelf is situated.

<sup>1</sup> *Staatsblad* 1965 No. 428. The unofficial English translation was provided by the Permanent Mission of the Netherlands to the United Nations. See also, *supra* under (a) Note 2 relating to the “Loi relative aux installations dans la mer du Nord”.



## § 2. *General Provisions*

### *Section 2*

1. It shall be forbidden, without a licence granted by Our Minister, to conduct surveys in, on or above the continental shelf whereby the presence of minerals in or on that shelf can be proven or whereby such minerals can be produced.

2. Our Minister may, in agreement with Our Minister of Education and Science, and in response to a request therefor, grant exemption from the provisions of subsection 1 for the purposes of fundamental scientific research.

3. Our Minister may, in response to a request therefor, grant exemption from the provisions of subsection 1 for the purposes of surveys as referred to in subsection 1 which are neither reconnaissance surveys nor prospecting surveys.

### *Section 3*

It may be laid down by Order in Council that for parts of the continental shelf designated therein no licences or exemptions shall be granted.

### *Section 4*

Any prospecting survey by or on behalf of the State or by or on behalf of a juridical person in which the State has a substantial interest, with the exception of a survey of the type referred to in section 2, subsection 2, shall require prior authorization by law.

### *Section 5*

We may lay down that, during a period of at most three years commencing at least three months after the promulgation of Our decree in the “Staatscourant”, no applications may be submitted for prospecting or production licences of the tenor indicated therein.

### *Section 6*

The applicability of this Law shall be limited by the exceptions recognized in international law.

## § 3. *Licences and Exemptions*

### *Section 7*

1. A licence or exemption shall specify the period and the part of the continental shelf for which it is valid.

2. A licence or exemption may also be granted subject to other restrictions. Regulations may be attached to a licence or exemption.

3. It may be laid down in a licence or exemption that Our Minister has powers defined therein for the implementation of regulations indicated therein.

4. It may also be laid down in a licence or exemption that contravention of regulations indicated therein constitutes a ground for withdrawal of the licence or exemption.

*Section 8*

To a licence may be attached the regulation that the holder must pay to the State at the times specified therein a surface rental fixed therein.

...

#### § 4. *Other Provisions*

*Section 22*

1. The minerals present in or on the continental shelf are the property of the State.

...

#### § 5. *Enforcement of the Law*

*Section 31*

1. Our Minister shall designate the officials responsible for enforcing the provisions laid down in or pursuant to this Law.

2. An order made pursuant to subsection 1 shall be published in the "Staatscourant".

*Section 32*

The inspection officials shall be authorized to inspect all documents belonging to or in the custody of the holder of a licence or exemption granted under section 2 and to make copies thereof, all in so far as in their reasonable opinion this is necessary for the fulfilment of their duties. To that end they may retain possession of documents for at most five days.

*Section 33*

1. The inspection officials shall have access to all installations, vessels and aircraft used for conducting a reconnaissance or prospecting survey or for producing minerals.

2. They shall also have access to all vessels and aircraft which in their reasonable opinion are on their way to or from a place at which a reconnaissance or prospecting survey is being conducted or minerals are being produced.

3. If they enter a private dwelling without the consent of the occupier, they shall draw up a report within forty-eight hours, stating the time and purpose of entry. They shall ensure that a copy of the report is issued to the occupier or delivered at the dwelling for his use.

*Section 34*

1. The inspection officials shall be authorized to subject to examination and inspection any goods encountered at places to which they have access pursuant to section 33 and to take samples thereof, all in so far as in their reasonable opinion this is necessary for the fulfilment of their duties.

2. Any samples so taken shall, as far as possible, be returned to the lawful owner of the goods.

#### *Section 35*

1. Each and every person shall be obliged to render the inspection officials all the assistance that in their reasonable opinion is necessary for the fulfilment of their duties.
2. If, in the reasonable opinion of the inspection officials, insufficient assistance is being rendered, they may exercise their powers *manu militari* at the expense of the defaulter or take other measures necessary therefor.
3. In respect of costs due pursuant to subsection 2, section 24 shall be applicable.

#### *Section 36*

Persons who by reason of their rank, profession or office are pledged to secrecy may claim exemption from giving information, but only in respect of matters entrusted to them in that capacity. They may also refuse access to documents and refuse to render assistance, in so far as their pledge of secrecy extends to such matters.

### 31. NEW ZEALAND

- (a) PETROLEUM ACT<sup>1</sup> 1937 (No. 27 of 1937; 11 December 1937), AS AMENDED  
...

#### 2. *Interpretation*

In this Act, unless the context otherwise requires:

“Land” includes Maori land, and also includes land below the sea or below any other water:

#### 3. *Petroleum declared to be property of the Crown*

(1) Notwithstanding anything to the contrary in any Act or in any Crown grant, certificate of title, lease, or other instrument of title, all petroleum existing in its natural condition on or below the surface of any land within the territorial limits of New Zealand, whether the land has been alienated from the Crown or not, is hereby declared to be the property of the Crown.

(2) All alienations of land from the Crown made after the commencement of this Act, whether by way of sale or lease or otherwise, shall be deemed to be made

<sup>1</sup> Reprint of the Statutes of New Zealand 1908-1957, as amended, most recently by the Petroleum Amendment Act 1967 (No. 132 of 1967, 24 November 1967). Petroleum Act 1937 by force of section 4 of the Continental Shelf Act 1964 (see *infra* under (c)) shall apply with respect to petroleum in the sea-bed and subsoil of the continental shelf.

subject to the reservation of all petroleum existing in its natural condition on or below the surface of the land, and subject to the provisions of this Act.

4. *Prohibiting prospecting or mining for petroleum save pursuant to this Act*

(1) Subject to the provisions of this Act no person shall after the commencement of this Act prospect or mine for petroleum except in pursuance of a prospecting licence or of a mining licence issued under this Act.

(2) This section shall bind the Crown.

5. *Minister may grant prospecting licences*

(1) Subject to the provisions of this Act and of any regulations made under this Act, the Minister may from time to time, on application in that behalf, grant to any person a petroleum prospecting licence, authorising the licensee to prospect for petroleum on any land specified in the licence. Where application under this subsection is made by any applicant in respect of two or more separate areas a separate application shall be made in respect of each area, but a licence may be granted to any applicant, in accordance with the next succeeding subsection, over any two or more of the said areas.

(2) A prospecting licence may be granted in respect of any land in New Zealand not exceeding two hundred square miles in area, being the whole or such portion as the Minister thinks fit of the land specified in the application for the licence.

Provided that a prospecting licence may be granted in respect of a continuous area within the continental shelf in excess of two hundred square miles but, in any such case, the Minister may include in the licence as conditions thereof provisions requiring the licensee, in respect of the land comprised in the licence, to—

(a) Expend a specified sum within a specified period on prospecting operations; and

(b) Commence and carry on geological and geophysical investigations within such time as may be specified in the licence, and according to a work programme submitted by the applicant to the Minister and approved by him before the licence is granted; and

(c) Commence and carry on drilling operations as soon as practicable after the aforesaid geophysical investigations have been completed; and

(d) Undertake to surrender his licence unless the conditions included therein under this proviso are complied with<sup>1</sup>.

(2A) Where any conditions are included in a licence under the proviso to subsection (2) of this section, the provisions of sections 8 and 8A of this Act and of sections 61 and 62 of the Statutes Amendment Act 1941 shall not apply to that licence.<sup>1</sup>

Provided that in any such case—

(a) Any condition included in the licence may, in the discretion of the Minister, from time to time be suspended, amended, or modified; and

(b) Where the Minister is satisfied that the licensee under any such licence is carrying on prospecting operations with reasonable diligence under some other

<sup>1</sup> This provision was added by the Petroleum Amendment Act 1965 (No. 14 of 1965; 10 September 1965) section 2.

prospecting licence held by that licensee, the Minister may, in his discretion and upon and subject to such conditions as he thinks fit, from time to time suspend for any period not exceeding six months the obligations imposed by the first mentioned licence; and

(c) Where the Minister is satisfied that the licensee is carrying on prospecting operations with reasonable diligence under any such licence, the Minister may, in his discretion and upon and subject to such conditions as he thinks fit, from time to time suspend for any period not exceeding six months the obligations imposed by any other prospecting licence held by the licensee.<sup>1</sup>

...

(3) Subject to the provisions of this Act and of any regulations made under this Act, a prospecting licence shall during its currency confer on the licensee the exclusive right to prospect for petroleum on the land comprised in the licence, and the right for that purpose to carry on mining operations, and such other rights, not inconsistent with this Act, or with any regulations made under this Act, as may be necessary for the effective carrying on of prospecting operations. The rights of the licensee shall be so exercised as to interfere as little as possible with the occupation and use of the land by any other person having a right to occupy or use it. Nothing in this section, or in any licence granted thereunder, shall be construed to exempt the holder of any licence from the obligation to comply with the requirements of any other Act or regulations that may affect or apply to any operations carried on under the licence.

...

(5)<sup>2</sup> The grant of a prospecting licence shall in every case be in the absolute discretion of the Minister. In considering an application for a licence the Minister shall take into account such matters as may be prescribed by regulations or as the Minister thinks proper, including in particular any expenditure incurred by the applicant or by any person supporting the application in searching or prospecting for petroleum in New Zealand before the date of the application.

(6) The holder of a prospecting licence shall not, by virtue thereof, have any proprietary or other rights in respect of any natural gas derived from the land comprised in his licence otherwise than in consequence of his mining operations thereon.

(7) Any number of prospecting licences may be granted to the same person.

...

## PART II. PIPELINES<sup>3</sup>

...

### *Pipeline Authorisations*

#### 50. *Authority to construct pipeline.*

(1) Except so far as may be authorised by or under any licence under this Act held by him, no person shall construct or operate a pipeline otherwise than pursuant

<sup>1</sup> This provision was added by the Petroleum Amendment Act 1965 (No. 132 of 1967; 24 November 1967) section 2.

<sup>2</sup> Sub-section (4) was repealed by section 6 (2) of the Petroleum Amendment Act 1955.

<sup>3</sup> This Part was added by the Petroleum Amendment Act 1962 (No. 127 of 1962; 14 December 1962) section 3.

to the authority and in conformity with the terms and conditions of a pipeline authorisation granted by the Minister under this Part.

(2) Every person who contrary to the provisions of this section commences to construct, constructs, or operates a pipeline commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds.

...

*Miscellaneous provisions*

79. *Pipelines to remain property of owner*

(1) Notwithstanding the provisions of any enactment or rule of law to the contrary, any pipeline constructed under the authority of this Part of this Act shall remain the property of the owner whether or not the pipeline is affixed to any land and whether or not the pipeline authorisation granted in respect of the pipeline has been suspended or revoked.

(2) The owner of a pipeline in respect of which an authorisation has been revoked may remove the pipeline and, if directed by the Minister, shall do so in accordance with such terms and conditions as may be contained in the direction.

(3) The owner shall have such rights of entry on land as may be necessary for the purposes of any such removal and of complying with the directions of the Minister.

(4) Any person entering on land under this section shall, on the completion of the removal of the pipeline, restore the land, as far as practicable, to its former condition.

...

(b) PETROLEUM REGULATIONS 1939 (15 March 1939)<sup>1</sup>

...

29. *Disposal of Waste Oil, Salt Water, and Refuse*

The licensee shall drain all waste oil, salt water, and refuse from tanks, gas-holders, and wells into proper receptacles erected and maintained by him for that purpose at a safe distance from the tanks, gasholders, and wells, and from any buildings or structures, whether situate on the area comprised in the license or not, and shall dispose of the waste oil, salt water, and refuse in manner from time to time approved by the Inspector. The licensee shall not cause or permit any waste oil, salt water, or refuse to flow into or over or to be deposited upon any land, whether situate within the area comprised in the license or not.

<sup>1</sup> As subsequently amended, most recently by the Petroleum Regulations 1939, Amendment No. 3. 9 March 1964. S.R. 1964/30.

(c) CONTINENTAL SHELF ACT 1964 (No. 28 of 1964; 3 November 1964)

...

## 2. *Interpretation*

In this Act, unless the context otherwise requires,—

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of New Zealand, but beyond the territorial limits of New Zealand, the surface of which lies at a depth no greater than two hundred metres below the surface of the sea, or, where the natural resources thereof are capable of exploitation, at any greater depth:

“Natural resources” means—

(a) The mineral and other natural non-living resources of the sea-bed and subsoil; and

(b) Living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or subsoil.

## 3. *Exploration and exploitation of continental shelf*

All rights that are exercisable by New Zealand with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Crown.

## 4. *Mining for petroleum on continental shelf*

(1) Subject to the provisions of subsection (2) of this section, the provisions Petroleum Act 1937 (except section 3) and of any regulations made under that Act, as far as they are applicable and with any necessary modifications, shall apply with respect to petroleum (as defined in that Act) in the sea-bed and subsoil of the continental shelf, as if—

(a) Every reference in that Act or those regulations to land included a reference to the sea-bed (including, where necessary, the subsoil) of the continental shelf; and

(b) Every reference in that Act or in those regulations to New Zealand included a reference to the continental shelf; and

(c) The Minister of Marine were the appropriate Minister for the purposes of section 20; and

(d) The references in subsection (6) of section 33 and in section 34 of that Act to a district were references to the district in New Zealand nearest to the petroleum works or mining operations concerned.

(2) The Governor-General may from time to time, by Order in Council, modify or exclude any of the provisions of the Petroleum Act 1937 to such extent as may be necessary for the purpose of giving full effect to the provisions of this section.

## 5. *Mining for minerals on continental shelf*

(1) No person shall prospect or mine for, or carry on any operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued under this section.

(2) The Minister of Mines may from time to time, on application in that behalf, grant to any person a licence authorising the licensee to prospect and mine for, and carry on operations for the recovery of, minerals or of minerals of any specified kinds in any specified area of the continental shelf.

(3) Every licence granted under this section shall be subject to such conditions as the Minister, when granting the licence, thinks fit to impose in the circumstances of each particular case, including, but without limiting the generality of the foregoing provisions of this section, conditions requiring the licensee—

(a) To comply with such conditions as to safety as are specified in the licence, and for this purpose the Minister may require the licensee to comply with all or any of the provisions as to safety of the Mining Act 1926 or the Coal Mines Act 1925 or of any regulations under either of those Acts, with such modifications as the Minister considers necessary:

(b) To pay to the Crown in respect of minerals recovered by the licensee from the continental shelf such royalties as are specified in the licence.

(4) The grant of a licence under this section shall in every case be in the absolute discretion of the Minister of Mines.

(5) Any number of licences under this section may be granted to the same person.

(6) Subject to the provisions of subsection (3) of this section, nothing in the Mining Act 1926 or in the Coal Mines Act 1925 shall apply with respect to minerals in the sea-bed or subsoil of the continental shelf.

(7) Every person commits an offence, and is liable on summary conviction to a fine not exceeding one hundred pounds, who prospects or mines for, or carries on operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf otherwise than pursuant to a licence under this section and in accordance with the conditions of the licence (not being a condition relating to the payment of royalties to the Crown.)

#### 8. *Regulations*

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources:

(b) Prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation:

(c) Establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf:

(d) Prescribing such measures as the Governor-General considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established:



- (e) Regulating or prohibiting the entry of ships into any such safety zone:
- (f) Prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents:
- (g) Prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf:
- (h) Prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf:
- (i) Providing for the removal of installations or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused:
- (j) Prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Governor-General could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines:
- (k) Providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof:
- (1) Prescribing penalties for breaches of the regulations, not exceeding a fine of five hundred pounds.
- (2) In this section the term "continental shelf" includes the sea-bed and subsoil of the submarine areas within the territorial limits of New Zealand.

#### 9. *Act in force in Cook Islands*

- (1) This Act, except sections 4 and 6, shall be in force in the Cook Islands.
- (2) In the application of this Act to the Cook Islands—
- (a) Every reference to New Zealand shall be read as a reference to the Cook Islands:

## 32. NICARAGUA

- (a) DECREE<sup>1</sup> NO. 316 OF 12 MARCH 1958. GENERAL ACT ON THE EXPLOITATION OF NATURAL RESOURCES\*\*

### CHAPTER I. CLASSIFICATIONS AND CONCEPTS

...

*Article 2.* For the purposes of this Act, the expression "natural resources" means any element or economic factor which by its nature is capable of being put to use by the work of man.

<sup>1</sup> *Gaceta* No. 83 of 17 April 1958.

*Article 3.* Those natural resources shall belong to the State which are comprised within the limits of the national territory, as defined in article 5 of the Constitution,<sup>1</sup> and which have no other owner or which belong to the State in conformity with the Political Constitution and other laws of the Republic.

...

(b) DECREE<sup>2</sup> NO. 372 OF 2 DECEMBER 1958. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF PETROLEUM\*\*

#### CHAPTER I. GENERAL PROVISIONS AND PETROLEUM PROSPECTING

*Article 1.* There shall belong to the State all deposits or natural supplies of petroleum which exist, in any state, on the surface or in the subsoil of the national territory.

*Article 2.* For the purposes of this Act, the term "petroleum" includes all such natural mixtures of hydrocarbons, derivatives of hydrocarbons and associated substances which are generally known as natural gas, crude petroleum, asphalt and petroleum schists, but excluding coal.

*Article 3.* The exploration and exploitation of petroleum may be carried out only by virtue of the exploration and exploitation concessions provided for in this Act.

All provisions of the General Act<sup>3</sup> on the Exploration of Natural Resources which are not modified by the present Act shall apply to prospecting for and the exploration and exploitation of petroleum insofar as they are compatible with the nature of that natural resource.

*Article 4.* For the purposes of the granting of concessions for the exploration or exploitation of petroleum, the national territory shall be divided into four main regions, as follows:

- (a) Pacific Region, comprising the department of Chinandega, León, Managua, Masaya, Carazo, Granada and Rivas including the Managua Lake and Nicaragua Lake;
- (b) Central Region, comprising the departments of Nueva Segovia, Madriz, Esteli, Jinotega, Matagalpa, Boaco and Chontales;
- (c) Atlantic Region, comprising the remainder of the land area of the national territory;
- (d) The continental shelf of both oceans.

<sup>1</sup> For the text, see ST/LEG/SER.B/6, p. 35.

<sup>2</sup> *Gaceta* No. 278 of 3 December 1958.

<sup>3</sup> *Supra* (a).

- (c) DECREE<sup>1</sup> No. 1067 OF 20 MARCH 1965. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF MINES AND QUARRIES \*\*

#### CHAPTER I. GENERAL PROVISIONS

*Article 1.* Save as provided in the Special Act on the Exploration and Exploitation of Petroleum,<sup>2</sup> the present Act shall govern all matters relating to useful substances of the mineral kingdom, whether organic or inorganic, and irrespective of their physical state, origin and form of deposit, the exploitation of which requires the application of mining technology. Any such matters not covered by the present Act shall be governed by the provisions of the General Act on the Exploitation of Natural Resources. The Ministry of Economic Affairs shall be the branch of the Executive Power responsible for the application of these provisions.

*Article 2.* Subject to the exceptions referred to in article 242 of the Constitution, the State shall be the owner of all the mineral resources of the subsoil.

- (d) DECREE NO.II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 MILES, articles 1-3<sup>3</sup>

### 33. NORWAY

- (a) ROYAL DECREE<sup>4</sup> OF 31 MAY 1963 RELATING TO THE SOVEREIGNTY OF NORWAY OVER THE SEA-BED AND SUBSOIL OUTSIDE THE NORWEGIAN COAST

The sea-bed and the subsoil in the submarine areas outside the coast of the Kingdom of Norway are under Norwegian sovereignty as regards exploitation and exploration of natural resources, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states.

- (b) ACT<sup>4</sup> OF 21 JUNE 1963 RELATING TO EXPLORATION AND EXPLOITATION OF SUBMARINE NATURAL RESOURCES

§ 1. This Act applies to the exploration and exploitation of natural resources in the sea-bed or in its subsoil, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states.

<sup>1</sup> *Gaceta* Nos. 69, 70, 71, 72 and 74 of 24, 25, 26, 27 and 30 March 1965, respectively.

<sup>2</sup> *Supra* (b).

<sup>3</sup> *Infra* DIVISION IV, 23 (b).

<sup>4</sup> English translation provided by the Permanent Mission of Norway to the United Nations.

§ 2. The right to submarine natural resources is vested in the State,

The King may give Norwegian or foreign persons, including institutions, companies and other associations, the right to explore or exploit natural resources. Specific conditions for such permission may be stipulated.

§ 3. The King may issue regulations relating to the exploration and exploitation of submarine natural resources.

§ 4. Existing legislation shall not preclude the issue of regulations pursuant to §§ 2 and 3 of this Act.

§ 5. The rights of navigation and fishing are not affected by this Act.

(c) ROYAL DECREE OF 9 APRIL 1965 RELATING TO EXPLORATION FOR AND EXPLOITATION OF PETROLEUM DEPOSITS IN THE SEA-BED AND ITS SUBSOIL ON THE NORWEGIAN CONTINENTAL SHELF\*\*

#### CHAPTER I

##### INTRODUCTORY PROVISIONS

###### *Article 1*

These provisions shall apply to exploration for and exploitation of petroleum deposits on the sea-bed or in its subsoil in Norwegian internal waters, the Norwegian territorial sea and that part of the continental shelf which is subject to Norwegian national jurisdiction, but they shall not apply in respect of areas which are under private ownership.

###### *Article 2*

The term "petroleum deposits" means deposits of mineral oils and related hydrocarbons and gases found in the natural state in the subsoil and other substances, including sulphur, which are mined or extracted in connexion with the exploitation of such deposits.

###### *Article 3*

The following licences may be granted by the Department of Industry pursuant to this Decree and subject to such further conditions as may be laid down in the licence:

- (1) A licence to engage in exploration for petroleum deposits on or in the sea-bed or in limited sections thereof for a specified period of time without the grant of exclusive rights to the licence-holder (exploration licence);
- (2) A licensee under which exclusive rights are granted to engage for a specified period of time in the exploration for and exploitation of petroleum deposits in delimited areas (mining and extraction licence).

CHAPTER II  
EXPLORATION LICENCES

*Article 4*

Exploration licences may be granted to Norwegian or foreign persons, companies, institutions or other associations.

...

- (d) REGULATIONS RELATING TO THE SAFE PRACTICE ETC. IN EXPLORATION FOR AND EXPLOITATION OF PETROLEUM RESOURCES OF THE SEA-BED AND ITS SUBSOIL (ROYAL DECREE OF 25 AUGUST 1967)\*\*

By virtue of Section 3 of Act of 21 June 1963,<sup>1</sup> on the exploration and exploitation of the natural resources of the sea-bed and its subsoil and Royal Decree of 9 April 1965, relating to the exploration and exploitation of petroleum in the sea-bed and its subsoil, it is hereby provided:

CHAPTER I  
INTRODUCTORY PROVISIONS

*Section 1*

These regulations shall apply to exploration for and exploitation of petroleum in the sea-bed or in the subsoil in Norwegian internal waters, in Norwegian territorial waters and in that part of the continental shelf which is under Norwegian sovereignty.

*Section 2*

The Royal Norwegian Ministry of Industry (hereinafter called the Ministry) may issue further regulations which are necessary for the implementation of these regulations.

The Ministry or any one it authorizes may, under special circumstances, grant dispensation from provisions laid down in or by virtue of these regulations.

*Section 3*

Anyone carrying out such activities as mentioned in Section 1, is obliged in addition to the provisions contained in the licence, to comply with the provisions of these regulations and of regulations issued pursuant hereto, and to see to it that these provisions are complied with in regard to their activities. This applies to the licensee, as well as to any one carrying out such activities for him, either personally or through employees or through independent contractors or sub-contractors.

Orders and prohibitions issued by the Ministry, shall be directed to the licensee. In cases where delays may create danger, such orders and prohibitions may be directed to the responsible person on a platform, vessel or aircraft or other installation to which these regulations apply. In these cases orders and prohibitions may also be issued by any one authorized by the Ministry. Copies of such orders or prohibitions shall be forwarded to the licensee without delay.

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<sup>1</sup> *Supra* (b).

#### *Section 4*

Exploration and exploitation of petroleum must be carried out in a safe manner in accordance with good oil field practice and with the regulations in force at any time. The activity must not to an unreasonable degree interfere with other activities. Particular care must be taken to avoid any unreasonable impediment or nuisance to shipping, fishing or aviation, to avoid damage or risk of damage to marine life or to underwater cables or other underwater installations and to avoid pollution or risk of pollution to the sea-bed and its subsoil, the sea and the air.

#### *Section 5*

The licensee shall currently and in writing keep the Ministry informed of the names, address and nationality of contractors or sub-contractors carrying out main activities in the areas mentioned in Section 1.

#### *Section 6*

Before provisional or permanent installations, including all types of drilling platforms, are placed on or above the sea-bed or in its subsoil in the areas mentioned in Section 1, the Ministry's written consent to the location or relocation must be obtained. The Ministry shall likewise sufficient time in advance be informed about removals and movements of the said installations.

A notice concerning an approved location of said installations shall sufficient time in advance be inserted by the licensee in "Etterretninger for Sjøfarende" ("Notice to Mariners"), "Kunngjøring fra Luftfartsdirektoratet" ("Notice from the Directorate of Aviation") and likewise be announced in the Norwegian Broadcasting Corporation's "Fiskerimeldinger" and in any other manner which the Ministry may decide. It shall contain information as to the type and position of the installation, light and sound signals etc. The licensee shall likewise in the manner prescribed above inform about the removal and movements of such installations.

### CHAPTER II

#### EXPLORATION

#### *Section 7*

Survey vessels and aircraft must comply with international and Norwegian regulations and rules in force for the particular location at any time, relating to navigation and aviation respectively.

Vessels—and aircraft to the extent it is deemed necessary—must be acquainted with the Norwegian rules for the marking of floating and stationary fishing gear and with the rules relating to lights to be carried by vessels engaged in trawling and other fishing.

They must keep at a safe distance from vessels engaged in fishing and from floating and stationary fishing gear. Particular care must be taken when larger gatherings of fishing vessels are observed.

### *Section 8*

Vessels to be used for seismic surveys must be equipped with radar, echosounder and sonar (asdic). The said equipment shall be of an approved type and must be in full operating order.

### *Section 9*

Aircraft are not allowed to be used for seismic surveys without special permission from the Ministry.

### *Section 10*

Seismic surveys are subject to the following rules:

(a) Prior to the commencement of seismic surveys, the sonar and radar shall in good time be turned on and shall be kept continuously sweeping round a full circle. Echosounder and sonar shall thereafter continuously be kept in use till the termination of the surveys.

(b) As long as seismic surveys are being carried out, the survey vessel shall fly the international flag signal in force, at present HD.

(c) Special care must be shown in the use of explosives. They must not be detonated in the vicinity of vessels engaged in fishing or in the vicinity of floating and stationary fishing gear. Nor must they be detonated if schools of fish are discovered under or near the shot point.

Furthermore, detonations must be carried out in such a manner as not to cause damage or risk of damage to underwater cables or other underwater installations

(d) The explosives employed must be of such types as to cause the least possible damage to marine life.

(e) Charges must not be larger than necessary and shall be detonated as near to the surface of the sea as possible. The Ministry reserves the right to decide the types of explosives to be used etc., as well as to fix the maximum charges to be detonated.

(f) The charges shall be equipped with safety devices which render the charges harmless if they remain in the water for more than two hours. Such safety devices shall beforehand be approved by the Ministry or any one authorized by it.

The charges shall likewise be marked with the name of the licensee or other identification approved by the Ministry.

### *Section 11*

In ample time prior to the commencement of seismic surveys, the Directorate of Fisheries in Bergen shall be notified. Furthermore, the said Directorate shall be kept informed of the movements of the vessels and their calls at Norwegian ports.

### *Section 12*

A daily log shall be kept of the surveys. As regards seismic surveys, the log shall include information on the size of the charges and the number of explosions, with a precise indication of the shot points. Charges which fail to fire or which

misfire, shall also be entered into the log. The log shall, as far as possible, contain information of importance to the question of the effects of the surveys on marine life. The Ministry may require the log to be produced.

### CHAPTER III DRILLING PLATFORMS

#### *Section 13*

The licensee shall—in ample time prior to the commencement of drilling operations—transmit to the Ministry or any one authorized by it a description of the platform, together with the necessary drawings and specifications.

Prior to the commencement of drilling operations in the areas mentioned in Section 1 above, consent of the Ministry or any one authorized by it must be obtained for the use of the drilling platform with installations and equipment.

The cost involved shall be covered by the licensee.

#### *Section 14*

The drilling platform shall at all times be seaworthy and be provided with such equipment as required for the safe operation of the platform i.e. the necessary nautical equipment, telecommunication systems for radio communications on both assigned and emergency frequencies with land stations, helicopters, ships and other platforms in the area, position marking equipment (light and sound), lifesaving equipment, firefighting equipment, first aid equipment, etc.

The Ministry or any one authorized by it may at any time inspect the platform with installations and equipment. The cost involved shall be covered by the licensee.

#### *Section 15*

The drilling platform must be constructed in such a manner as to be strong enough to withstand the weather and wind conditions which may be anticipated in the areas mentioned in Section 1. The anchoring systems and jack-up legs etc. must be so constructed that the platform is kept in place under the weather conditions that reasonably may be anticipated.

All drilling equipment with machinery and accessories must be properly constructed and maintained. The licensee shall check that the platform with equipment at all times is in proper working condition.

Substantial damages caused to the platform or its equipment or installations shall immediately be reported to the Ministry or anyone authorized by it. Repair of such damages or substantial changes in the construction shall immediately be reported to the Ministry or any one authorized by it.

#### *Section 16*

The drilling platform with equipment and installations shall be equipped with all necessary safety devices in accordance with good oilfield practice in order to prevent accidents.

Walkways, stairways and working surfaces shall be equipped with non-slip surface and, where necessary, be equipped with suitable toeboard and railing.



The companionways, stairways, etc. between the various parts of the platform shall be so constructed as to permit safe passage.

Railing shall likewise be installed on gangways, platforms and around open tanks, shafts, gutters, etc. creating hazards for the safety of the personnel.

The platform shall be constructed in such manner that living quarters and working areas shall be sufficiently separated. The living quarters shall be sufficiently sound insulated, ventilated and heated.

The decks of the platform shall be constructed in such a manner that water washing the decks drains off easily.

The work rooms and living quarters shall be equipped with a sufficient number of emergency exits giving easy access to the lifesaving equipment such as escape ropes, climbing nets etc.

#### *Section 17*

The drilling platform shall be positioned so as to give maximum protection to the operations performed thereon including mooring of vessels, landing and take off of helicopters. Particular care should be shown to avoid oil or gas leakage from reaching sources of ignition.

#### *Section 18*

During operations whereby the platform is lifted or lowered necessary personnel only shall be present on the platform. The personnel remaining on board shall, as far as possible, be stationed on deck and be equipped with approved life vests. Suitable means for safe and immediate removal of personnel from the platform shall remain in readiness during the entire operation. In addition, a stand-by vessel with sufficient capacity and equipment shall be kept ready in the immediate vicinity of the platform.

The manœuvres mentioned in the first paragraph shall, as far as possible, be undertaken only in daylight and when this is rendered safe by wind and weather conditions.

The provisions contained in Section 106 shall apply.

#### *Section 19*

Towing of drilling platforms in areas mentioned in Section 1 intended for use in these areas, shall not be carried out without prior notification to the Ministry or any one authorized by it. The Ministry or any one authorized by it may give further provisions for the towing. The towing must be carried out in accordance with the international and Norwegian rules and regulations in force at any time. Necessary personnel only shall remain on the platform during towing. All proper safety measures must be taken.

The towing must be carried out in such a manner that it causes the least possible nuisance in the area. Special consideration shall be taken to fishing and shipping in the area.

#### *Section 20*

Unauthorized persons may not enter the drilling platform without special permission of the licensee or any one he authorizes. During stay on the platform,

visitors must comply with the safety rules applicable to the platform. Visitors shall upon arrival be instructed about safety regulations in force. Specific information must be given about areas where smoking is allowed.

#### *Section 21*

The licensee shall at any time keep a record of all persons present on board the platform or on their way to and from the platform. The record shall contain the name of the individual and the name of the company or agency by whom he is employed. This record shall be available for the Ministry or any one it authorizes at the licensee's base in Norway.

#### *Section 22*

Detailed safety instructions shall be prepared for each drilling platform with regard to its operation and with special emphasis on the safety and well being of of the personnel involved. Each employee will be required to sign a receipt for their individual copy.

The person in charge shall ascertain that the workers have understood oral and written instructions given for the execution of an operation.

Furthermore, general instructions shall be prepared for each drilling platform with regard to measures to be taken in emergencies. These instructions shall likewise be handed to the personnel in the above-mentioned manner. At frequent intervals drill exercises shall be held with a view to such situations. The daily log shall contain necessary information as to such drills.

#### *Section 23*

Before drilling is commenced, an organization plan shall be submitted to the Ministry or any one authorized by it. This plan shall clearly stipulate the command set-up and the line of command. A chief responsible and deputy shall always be present on the platform. The plan must expressly stipulate their abilities. The chief responsible must as far as possible have maritime experience. If not, he shall always have an assistant with sufficient maritime experience.

#### *Section 24*

The drilling platform shall be marked with the name of the platform and the name of the licensee.

The marking shall be effected in such a manner as to make identification easily possible from vessels as well as from aircraft. The marking shall be easily visible in daylight as well as at night.

#### *Section 25*

The drilling platform shall be equipped with approved lights, sound signals, shape and flag signals. Under special circumstances, the Ministry may decide that the platform shall be equipped with light and sound buoys round the platform, with lighthouse lanterns etc.

For the protection of air traffic the platform shall be equipped with approved warning lights.

Furthermore, all points on the platform which may endanger helicopter service shall be sufficiently marked.

#### *Section 26*

From sunset to sunrise a drilling platform shall be equipped with one or more white lights and placed so as to ensure that at least one light is visible upon approaching the platform from any direction. The lights shall be placed not more than thirty metres and not less than six metres above sea level and shall be visible—in dark nights with good visibility—at least ten nautical miles. The lights shall be equipped with synchronized devices rendering a flashing character according to Morse letter U approximately every fifteen seconds. The lenses of the lights must be constructed in such a manner as to ensure that the lights—in addition to being visible at the above-mentioned distance—are visible from any vessel being in the vicinity of the platform.

#### *Section 27*

A platform shall be equipped with one or more potent synchronized devices capable of emitting sound signals installed and constructed in such a manner as to be audible upon approaching the platform in any direction. The sound signals shall be placed not more than thirty metres and not less than six metres above sea level and shall be audible at a distance of at least two nautical miles in calm weather. The character shall be rhythmic blasts—two short and one long blast corresponding to Morse letter U approximately every thirty seconds.

The short blast shall last a minimum of 0.75 seconds. The sound signals shall be in operation when the visibility is less than two nautical miles.

#### *Section 28*

The drilling platform shall be equipped with an emergency system for light and sound devices which shall be switched on immediately if the ordinary equipment fails.

#### *Section 29*

The light and sound systems provided for in Sections 26-28 must be so constructed as to function without special attention in cases where the platform is evacuated for a shorter or longer period of time.

#### *Section 30*

The drilling platform shall be equipped with sufficient electric light to make work and stay on board as safe as possible.

The drilling platform shall be equipped with sufficient emergency lights powered from an independent energy source.

The emergency lights shall be switched on immediately if the ordinary light fails.

Furthermore, flashlights of approved type shall be easily available at appropriate places.

The emergency lights and the flashlights shall be inspected with regular intervals. Note of the inspection shall be made in the log.

## CHAPTER IV

## DRILLING

*Section 31*

Drilling shall not be commenced until the Ministry's written consent hereto has been obtained, see Section 39 in Royal Decree of 9 April 1965 relating to exploration and exploitation of petroleum in the sea-bed and its subsoil on the Norwegian continental shelf.

*Section 32*

Before such consent as mentioned in Section 31 is granted, the applicant shall submit to the Ministry a drilling programme which, *inter alia*, shall contain the following information:

(a) The name of the drilling platform, together with a description of the construction and equipment of the platform, and information as to whether the drilling will be carried out by others than the licensee. If the platform has already been used with the Ministry's consent on the areas mentioned in Section 1, it is sufficient to give information about later changes in construction, installation and equipment etc.

(b) Information on the geographical position of the well.

(c) The estimated depth of the well.

(d) The geological strata which are assumed to be penetrated.

(e) Depth of the ocean at the well site.

(f) A programme for the installation of casing. The programme shall give the necessary details as to diameter, weight and dimensions of the casing, whether new or used casing is to be applied, at what depths the casing is intended to be installed, together with a cementing programme.

The said casing programme shall be in accordance with good oilfield practice. Necessary consideration shall, *inter alia*, be given to the possibility of unknown geological structures in the subsoil at the well site. Necessary consideration shall likewise be given to any pressure which may be anticipated in the well.

(g) Description of blowout preventers including auxiliary equipment which will be used during the drilling, with information as to make, type, necessary technical details and the manner in which they will be installed. The description shall likewise contain the necessary information as to pressure tests of the blowout preventers. Details must furthermore be given as to the manner and frequency of pressure tests to be taken during the period of drilling.

(h) Drilling fluid programme.

(i) Programmes for pressure tests and other measurements of the well.

(j) Coring programme.

(k) Testing programme for possible petroleum finds.

Four copies of the safety instructions applicable to the platform and the work carried out whether issued by the licensee or a contractor, shall be enclosed unless these safety instructions previously have been submitted to the Ministry. Informations as to changes in or amendments to safety instructions previously submitted must be given.

### *Section 33*

Major changes in the drilling programme must not be made without the consent of the Ministry.

In emergencies the said programme may be departed from without previous consent. The Ministry shall in such cases be notified forthwith of the alterations and of the underlying circumstances.

### *Section 34*

Prior to the placing of a drilling platform in position for drilling, the sea-bed shall be checked and other necessary safety precautions be taken in accordance with good oilfield practice with a view to ensuring that the platform will remain in place during operations.

The result of the examinations shall forthwith be transmitted to the Ministry.

The licensee must currently check during drilling that the conditions of the sea-bed at the places where the legs of the drilling platform are situated, are not materially changed. In case of floating platforms or ships the anchors shall likewise be regularly checked, i.e., by checking the tension of anchor-chains and cables.

### *Section 35*

The drilling platform must be placed at a safe distance from other installations for exploitation of petroleum, as well as from lighthouses, sea-buoys, telegraph and telephone cables, pipelines etc.

In areas mentioned in Section 1 where cables, pipelines and other underwater installations exist, anchoring, jacking-up of platforms and drilling cannot be commenced till the licensee has undertaken a thorough bottom survey, which has localized exactly the position of the underwater cable, pipeline and installation.

Without the expressed consent of the Ministry anchoring, jacking-up or drilling must not take place at a distance less than one nautical mile from cable, pipeline or installation and not less than two nautical miles from telephone or telegraph amplifier.

If damage is caused to the said cables, pipelines or installations, the licensee and the other persons and companies mentioned in Section 3 shall be liable to pay indemnity for the damage caused.

### *Section 36*

The lower deck of the drilling platform must be at a safe distance above the sea level.

### *Section 37*

As soon as the drilling platform has been placed in position, the Ministry shall be informed in writing about the exact geographical position of the platform.

### *Section 38*

When circumstances so demand, the licensee shall provide for a stand-by vessel which shall be stationed at the platform during drilling operations. This

stand-by vessel shall have sufficient capacity and equipment to take on board and provide for the total crew of the platform in cases of emergency.

#### *Section 39*

On platforms where the derrick has been lowered, the derrick must not be raised until the drilling platform is properly placed on the sea-bed or properly anchored. Prior to the erection of the derrick, it must be thoroughly checked so that the derrick is in proper condition.

Erection or lowering of the derrick must be carried out only when weather and wind conditions render this safe, and as far as possible only by day. The required safety measures for protection of life and health shall be taken, including such measures as are mentioned in Sections 18 and 106 of this decree.

No other work must be carried out below or in the immediate vicinity of the derrick while this is being erected or lowered.

#### *Section 40*

The derrick with equipment such as winches, gin-poles and other rig equipment, together with wire ropes etc., shall be of a type approved by a recognized agency and be inspected at short intervals. These inspections shall be recorded in the daily log.

Wire ropes shall be replaced or cut as soon as they show signs of wear and tear, or in cases when this is rendered necessary by the amount of work in ton-kilometres performed by the wire.

#### *Section 41*

The derrick shall be equipped with necessary safety devices in order to avoid accidents.

Moving parts, such as chains, travelling blocks, gear, belts, shafts, couplings and clutches etc., shall as far as possible be properly shielded. The crown block shall be equipped with a safety device in order to prevent the wire from leaving the sheave.

All hooks must be equipped with safety latches.

When practical, the derrick shall be equipped with escape rope or similar devices installed in such a manner as to lead away from the derrick. The derrick floor shall have a sufficient number of emergency exits.

#### *Section 42*

The outgoing crew shall by the end of each shift inform the incoming crew of defects and damages on platform or equipment which have arisen or been detected during the shift and which have not been repaired. The incoming crew shall make certain that the equipment is in a safe condition.

A note shall be made in the daily log about substantial defects which are not immediately repaired.

#### *Section 43*

Special care must be taken in the loading, unloading, handling and racking of drill pipes and casing. Due precaution must be taken to prevent racked pipes and casing from rolling or shifting.

#### *Section 44*

Prior to the opening of a well, the necessary safety devices for the proper control of the well must be present and easily available on the platform. The said devices shall be installed without delay, as the drilling makes it necessary in accordance with good oilfield practice.

During drilling of the well all necessary steps shall be taken to keep the well under full control against the presence of oil, gas, water etc., which may cause explosions, blowouts, pollutions or other destruction or accidents.

In case of explosions from blowouts etc. in the well, all necessary steps shall immediately be taken in accordance with good oilfield practice to re-establish safe working conditions and bring the well under control. In addition, all necessary measures must immediately be taken to repair, as far as possible, all damages sustained.

#### *Section 45*

Suitable measures must be taken during drilling so as to avoid as far as possible pollution and disturbance of the geological formations encountered.

#### *Section 46*

Each well must be equipped with surface casing according to good oilfield practice. The surface casing shall be placed at the depths dictated by the geological structures and with a view to securing complete control of the well at any time.

The surface casing shall be properly cemented over its full length. The cement shall be given sufficient time to cure prior to the commencement of further drilling.

#### *Section 47*

Intermediate casing must be installed in such a manner and at such time as to ensure full control of the well at any time considering i.e. the geological structures of the subsoil, the danger of blowouts or other explosions, the protection of other resources in the subsoil, the danger of pollution of sea and air.

Intermediate casing must be properly cemented in conformity with good oilfield practice.

#### *Section 48*

The production casing shall be installed and cemented in a manner to isolate all hydrocarbon bearing zones.

#### *Section 49*

The casing mentioned in Section 46-48 shall have such dimensions, diameter, weight and thickness and otherwise be designed and installed in such a manner as to withstand any anticipated pressure encountered in the well during drilling or production.

After casing has been installed and properly cemented it must be pressure tested according to good oilfield practice before drilling is resumed.

The installation of used casing is not allowed without proper testing of such casing in advance.

### *Section 50*

Apart from drilling for opening the well, drilling must not be carried out before blowout preventers and their auxiliary equipment have been properly installed in accordance with good oilfield practice.

The blowout preventers shall have such construction and such capacity as to enable them, together with the casing installed and the drilling fluid, to fully control any pressure which may be anticipated in the well.

The blowout preventers shall be equipped with hydraulic controls operated with manual remote control from the derrick floor within easy reach of the driller. The blowout preventers shall furthermore be equipped with an extra remote control which may be operated independently and placed at a safe distance so as to be easily and quickly reached in the event the controls at the derrick floor cannot be reached or fail to function.

The controls shall plainly indicate whether the blowout preventers are open or closed.

Blowout preventers of a sufficient capacity and in a sufficient number must be installed according to good oilfield practice. After the surface casing has been set, a minimum of one bag type preventer, one blind ram type preventer and one pipe ram preventer must be used. The accumulator system required for the operation of the hydraulic system of the blowout preventers shall be of sufficient capacity to operate against maximum pressure conditions to be expected on well-head during drilling.

### *Section 51*

In addition to the blowout prevention equipment mentioned in the preceding sections, the necessary additional blowout prevention equipment, including a kelly cock and an automatic inside blowout preventer valve (backpressure type) shall be at hand on the platform in accordance with good oilfield practice.

### *Section 52*

During drilling, installation and cementing of casing, the blowout prevention equipment shall be pressure tested and operated at regular intervals. Operations of the BOPs shall be carried out as frequently as necessary and at least once per twenty-four hours and at least each time the drill pipe and bit are removed from the well. The BOPs shall be pressure tested at regular intervals according to good oilfield practice.

A note shall be made in the daily log concerning such testing.

### *Section 53*

During drilling, drilling fluid of the proper density shall be kept circulating at all times in the well, in accordance with good oilfield practice. It shall ordinarily be filtered and constantly checked against undesirable elements including gases or liquids which may cause explosions or fire. The drilling fluid shall be of the proper consistency and weight considering the geological conditions and other circumstances at the well site. Proper care must be taken in applying drilling fluid so as to avoid pollution of the sea.



Shale shaker and active drilling fluid tanks shall be provided with suitable and adequate means to remove combustible vapours to a safe location. Areas where the shale shakers and drilling fluid tanks are located, shall regularly be tested with gas detectors or explosion meters against explosive gases. The drilling fluid tanks shall be equipped with mud pit level indicators. The indicator shall be so constructed as to make it possible to read the mud pit level directly on the control panel at the driller's stand.

#### *Section 54*

Drilling which deviates from the vertical line drawn from the centre of the well-head shall not be allowed without the written consent of the Ministry. However, such consent is not required for unintentional deviations over shorter distances, deviations to straighten out a well or to overcome difficulties encountered during drilling. The well shall be checked to ensure that it does not deviate substantially from the vertical line.

The written consent of the Ministry is required in cases of drilling multiple holes from the same location.

#### *Section 55*

Gas detectors or explosion meters shall be readily available on the platform.

The platform shall likewise be provided with a sufficient number of apparatus for full breathing protection.

If sulphurous or other poisonous gases are encountered during drilling, all necessary safety measures shall be taken for preventing accidents. The Ministry shall be notified forthwith.

#### *Section 56*

In connexion with swabbing, drill stem testing, shooting, hydraulic fracturing or chemical treatment of a well, all necessary safety measures must be taken. Preferably such activities must take place by daylight and only when wind and weather conditions render it advisable.

The work must be performed with a view to preventing damage to the well or the penetration of salt water or other alien matter into the well.

Details of the activities mentioned in the first paragraph, together with information on the result achieved, shall be included in the report to the Ministry mentioned in Section 70.

#### *Section 57*

Prior to the commencement of the activities mentioned in Section 56, the drilling platform shall be cleared of all unnecessary obstructions. Only the personnel necessary for the operation shall be on deck. All necessary precautions against fire shall be taken. The firefighting equipment shall be ready for immediate use.

After termination of the activities mentioned in Section 56, the well and drilling platform shall immediately be cleaned.

*Section 58*

During acidizing operations the personnel who may come in contact with acid shall be provided with protective clothing including hoods, gloves and boots.

Acid containers must be handled with care and shall during transport and use be properly secured so as to prevent movement, breakage or the inflicting of damage to the surroundings.

A sufficient amount of neutralizing material shall be easily available for neutralizing any spillage of acid.

*Section 59*

If coal or other natural resources are encountered during drilling, the Ministry shall within a reasonable time be informed about the nature and extent of such deposits. All necessary precautions must be taken to preserve exploitable deposits. The Ministry may issue instructions for the preservation of the discoveries.

*Section 60*

During drilling operations the necessary logs must be taken according to good oilfield practice. Such logs together with any analysis made thereof shall without delay be forwarded to the Ministry.

The Ministry shall receive a composite log of the well within six months after the completion of a well. Within the same time limit a final report concerning the well shall be transmitted to the Ministry.

*Section 61*

The finding of any petroleum deposits shall promptly be reported to the Ministry.

Within a reasonable time, complete information relating to the nature of the deposits and what further steps have been taken to determine the extent of the deposits and the results thereof, shall be submitted in writing to the Ministry. Furthermore, information shall be given as to whether the deposits are considered commercially exploitable. When the plan for exploitation is complete, it shall likewise be furnished to the Ministry.

*Section 62*

Wells where petroleum finds have been made shall be secured in a proper manner according to good oilfield practice, so as to facilitate production, protect the well against penetration of water or other alien matter into the well, to prevent the escape of petroleum from the well, and to protect the sea and air against pollution.

*Section 63*

The Ministry shall be informed at least twenty-four hours in advance of discontinuation of extended duration and resumption of drilling operations.

CHAPTER V  
ABANDONMENT OF WELLS

*Section 64*

The Ministry shall be informed at least 24 hours in advance of the abandonment of a well. The statement shall contain information as to the reasons why the well will be abandoned. In addition, a plan shall be submitted for the plugging, securing and abandonment.

The Ministry may stipulate a time limit within which each installation in or above the well shall be removed.

*Section 65*

When a well is abandoned, casings and cementing in the well must not be removed or destroyed except as provided in Section 67 without the written consent of the Ministry.

*Section 66*

An abandoned well shall be plugged—in accordance with good oilfield practice—with top cement plugs and with additional cement plugs in such a number, with such length and at such a distance between the individual plugs as is required in order to maintain complete control of the well and prevent the escape of petroleum from the well or penetration of salt water or other alien matter into the well.

The well, including the interval between the cement plugs, shall be filled with drilling fluid or other fluid of sufficient density to safely withstand, together with the plugs, any pressure which may develop within the well.

*Section 67*

When a well is abandoned, parts of casing and other installations protruding from the sea-bed must—except as provided in Section 64-66—be removed to such a depth that no obstruction remains which may cause danger or impediment to fishing or shipping. Before final abandonment of the well, the licensee must make sure that on the sea-bed and on the surface of or in the vicinity of the well-head no obstruction remains which result from his activity and which may cause damage or impediment to fishing, shipping or other activities.

CHAPTER VI  
REPORTS, SAMPLES ETC., RELATING TO DRILLING, FINDS AND  
ABANDONMENT OF THE WELL

*Section 68*

While drilling is in progress, the licensee shall keep a daily log of the drilling operations on a form approved by the Ministry. Such log shall be made at least in duplicate. One copy shall be filed at the licensee's office in Norway. The other copy shall at all times be retained at the platform and there be available for inspectors appointed by the Ministry.

### *Section 69*

The daily log shall contain data on all operations during the day. Such information shall include:

- (a) Depth of the well at the beginning of the day.
- (b) Depth of the well at the end of the day.
- (c) Diameter of the well.
- (d) The geological formations encountered.
- (e) Characteristics of drilling fluid used.
- (f) Installation of casings.
- (g) If casings are installed, all relevant data concerning the installation, indicating the diameter, wall thickness, type, quality, weight and length, together with information whether new or used casings are employed and to what depth the casings have been installed.
- (h) Particulars concerning cementing.
- (i) Water, oil, gas etc., encountered.
- (j) Details concerning well-logs.
- (k) Deviation tests, formation tests, pressure tests, temperature measurements in the well as well as other tests undertaken.
- (l) Any other operations carried out, such as fishing up of broken drill pipes from the well, shooting, perforating, fracturing or acidizing of wells, completion and abandonment of the well etc.
- (m) When the Ministry so decides, what steps are taken to protect underwater tele-cables in the area.

The daily log shall further contain information about accidents, damages, injuries and other occurrences and other information which may be deemed to be of current or future interest to the authorities.

The Ministry may require further information concerning the activities carried out.

### *Section 70*

As long as drilling operations are carried out in the areas mentioned in Section 1 and the well has not been completed or abandoned according to prevailing rules and regulations, the licensee shall transmit to the Ministry a weekly report of the activities. The report shall contain the information mentioned in Section 69 with regard to the week in question. This report shall be in the possession of the Ministry within the expiry of the following week.

### *Section 71*

The licensee shall, when drilling is in progress, take samples from the drilling fluid of all rock types in all the geological formations penetrated.

When drilling is carried out in geological formation which may be of interest from petroleum point of view, such samples shall be taken at frequent intervals. In these instances the intervals ordinarily shall not exceed 10 meters.

All samples taken shall be washed, dried and preserved in bags suited for the purpose. They shall be labelled with the name of the well and contain information

on the date and depth of taking. The samples or parts thereof shall within 3 months after the completion or abandonment of the well be dispatched—at the expense of the licensee—to Norges geologiske undersøkelse (The Geological Survey of Norway).

Geologists of the Ministry and of the Institute shall at any time have access to the samples.

#### *Section 72*

The licensee shall, when it is deemed necessary, take and keep cores of the various geological formations penetrated. Within three months of the termination of the drilling, the licensee shall dispatch, at his own expense, complete longitudinal sections of each core to Norges geologiske undersøkelse. The longitudinal section shall contain not less than one fourth of the core. The Ministry shall receive copies of descriptions and analysis made of the core.

### CHAPTER VII

#### ELECTRICAL INSTALLATIONS

#### *Section 73*

Electrical installations and electrical equipment of any nature shall be constructed, installed and maintained in such a manner as to prevent, as far as possible, danger of accidents, fires, explosions etc.

#### *Section 74*

During activity in the areas mentioned in Section 1 of this decree, the licensee and any other person mentioned in Section 3 shall comply with the electrical regulations for drilling platforms in force at any time.

The electrical installations, and equipment including generators, wires etc. must at any time conform to regulations in force.

#### *Section 75*

The drilling platform shall, for the purpose of electrical installations, be classified as danger areas. More detailed regulations relating to this classification as well as regulations relating to electrical installations within each danger area may be issued by the Ministry or anyone authorized by it.

#### *Section 76*

The generators, diesel engines etc., shall be placed at such distance from the derrick as to prevent, as far as possible, penetration into the generator room of inflammable gases etc. Generators, other principal electrical installations and diesel engines etc., shall be placed in compartments constructed of fire-proof materials.

The equipment shall be adequately powered to develop sufficient energy for carrying out the drilling in a satisfactory manner. Regard shall be had to increased demand for power due to unforeseen circumstances.

*Section 77*

Electrical installations shall be effectively earthed in accordance with the regulations in force.

All plants, machinery, derrick and other installations of steel, including containers for oil, gas etc., which may accumulate static electricity, shall likewise be earthed in conformity with the regulations in force.

*Section 78*

All electrical installations shall be protected in such a manner as to prevent higher voltage than prescribed, from being introduced into the wiring system.

*Section 79*

Electrical installations and wiring must be provided with adequate protection against the penetration of water, humidity etc. Special care must be taken where out-door installations and wiring are concerned.

*Section 80*

Electrical installations serving light- and sound-signals, blowout preventers, firefighting equipment etc. shall, when necessary, be equipped with a reserve wiring system which shall be routed and which shall work independently of the main system.

*Section 81*

Portable electrical equipment and lights used in danger areas on the platform shall be of explosion-proof construction. Only flashlights of an approved type shall be used on the platform.

*Section 82*

The drilling platform shall be equipped with a main switch for all electrical installations in danger areas. Such main switch shall be installed in a place easily accessible and outside danger areas. The main switch shall also be equipped with remote control from the control panel of the driller.

*Section 83*

A qualified electrician—approved by the Ministry or any one authorized by it—shall always be available on the platform. Only qualified electricians may carry out the following work on board:

(a) Installation and maintenance of electrical equipment and circuits.

(b) Necessary examinations and testing of electrical equipment and wiring including inspection that the earthing system is in order and that the electrical code in general is complied with.

The qualified electrician shall take care that electrical installations at all times are in conformity with the regulations in force.

CHAPTER VIII  
PREVENTION OF FIRE

*Section 84*

During activities in those areas mentioned in Section 1 of this decree, the regulations concerning the prevention of fire on drilling platform in force at any time must be complied with.

Sufficient care must be taken in connection with all activities which may cause fire. Special care must be shown in the handling and storing of inflammable equipment and material such as explosives, inflammable liquids and gases, materials which are known to cause self-ignition etc.

*Section 85*

On each platform there shall be appointed a person who shall have the daily responsibility for the firefighting services on board both with regard to the steps to be taken to prevent fire, as well as the steps to be taken if a fire should occur. Furthermore, a firefighting squad shall be organized consisting of a sufficient number of the personnel. This squad shall receive special training in fighting fires and explosions with the firefighting equipment at hand.

A firefighting plan shall be elaborated advising each employee of his place and task in case of fires. Regard must be had to the shift plans. On each shift a firefighting leader shall be appointed.

The personnel shall be acquainted with this firefighting plan which shall be made public on a conspicuous place on the platform.

Fire drills must be held regularly for the firefighting squad and the rest of the personnel.

A note shall be made in the daily log concerning fire drills held and checks made on the firefighting equipment.

*Section 86*

The platform with installations and equipment shall, as far as possible, be of a fire-proof construction.

The drilling platform shall be equipped with firefighting equipment of such type and in such number that effective firefighting operations are made possible. The equipment shall be installed in proper places and always ready for immediate use.

The fire pumps and their prime movers shall be constructed and placed in such a manner that sufficient pressure will be maintained in the fire hoses irrespective of the place on the platform where a fire might occur.

The engine room of the platform shall be equipped with a permanent main firefighting installation or other firefighting equipment deemed satisfactory by the Ministry or any one authorized by it.

*Section 87*

In addition to the equipment mentioned in Section 86, the platform shall be equipped with a sufficient number of approved mobile fire-extinguishers. These

shall be placed easily accessible in strategic positions on the platform and shall always be ready for use.

A sufficient quantity of refill material for the fire-extinguishers shall be available at the platform at all times.

#### *Section 88*

Adequate procedures shall be established on each platform to assure immediate detection and alarm of a fire.

Furthermore, the platform must be equipped with a fire warning system which can easily be heard all over the platform.

#### *Section 89*

Use of naked light, fire or working operations causing flying sparks are permitted only where such activities may occur without creating danger of fire or explosions. The permission of the person responsible for the firefighting on board must be obtained in each case in advance.

Smoking is permitted in the living quarters of the platform. Otherwise, smoking shall be permitted only in such areas and at such times where no danger is caused thereby. The person in charge of the platform shall decide on these questions.

Prohibition against smoking shall immediately be announced by a sufficient number of signs in Norwegian and the foreign language concerned in the place to which the prohibition applies.

#### *Section 90*

Welding and metal-cutting by gas or electricity shall be carried out in a safe manner and in accordance with the rules and regulations in force at any time. Permission must be obtained in advance from the person responsible for the firefighting on the platform. All necessary precautions must be taken during the performance of such work. The person responsible for the firefighting shall ensure especially that:

- (a) The welding and cutting equipment are in full order.
- (b) The place where welding and cutting are to be performed is free of gas and that no inflammable material of any kind is as far as possible present in the vicinity. Inflammable material which cannot be removed must be sufficiently protected.
- (c) Firefighting personnel and sufficient firefighting equipment must be at hand.

After the completion of the work the working place shall be thoroughly checked so as to prevent that sparks or glow may cause fire.

### CHAPTER IX

#### STORAGE AND USE OF EXPLOSIVES

#### *Section 91*

During transportation, storage and use of explosives, the safety regulations in force at any time shall be complied with.



*Section 92*

On a drilling platform only approved types of explosives, including detonator and booster, shall be used. The explosives shall be of such a type as to render them harmless by the effect of being in sea-water for a period of 24 hours at the maximum. Perforating charges and charges used for casing-cutting are not included in the foregoing requirement.

*Section 93*

Explosives shall be kept on board only during periods reasonably prior to their use, and only in such quantities as are required for the expected use.

*Section 94*

Explosives shall be stored in magazines which are specially approved for the purpose. Detonator, booster and explosives must be kept separate.

The magazines shall be so placed and constructed as to facilitate the throwing overboard of explosives in cases of emergencies.

*Section 95*

The transportation of explosives to and from the platform as well as loading and unloading, must be undertaken with the utmost care. The explosives must not be exposed to sunshine, rain, humidity, frost, etc.

*Section 96*

Explosives must be used by qualified persons only. Blastings must not be carried out under unfavourable weather conditions such as thunder and lightning storms etc.

Blastings shall, as far as possible, be carried out only during daylight.

*Section 97*

All necessary safety precautions must be taken while blastings are carried out.

Radio equipment and other equipment which may endanger blasting activities must not be used while blasting is carried out. Radio silence shall also be observed on ships and helicopters which are not at a safe distance from the platform considering the type and strength of the radio equipment.

Other activities involving similar risk are likewise prohibited. The landing and take-off of helicopters and mooring of vessels are likewise prohibited during this period. The provisions contained in Section 57 relating to safety measures apply correspondingly.

## CHAPTER X

## PERFORATING

*Section 98*

Perforating operations must be carried out in accordance with good oilfield practice and the rules and regulations in force at any time.

*Section 99*

All personnel except those required to perform the perforating work shall be kept away from the derrick floor and from the areas under the derrick floor, while the work is performed.

*Section 100*

During perforation work all necessary precautions must be taken including those prescribed in Section 57.

Extreme caution should be exercised to prevent premature firing. The provisions contained in Section 97 apply correspondingly.

*Section 101*

Ammunition for the perforating gun should be stored in metal containers properly earthed.

The provisions contained in Section 94 apply correspondingly so far as practical.

## CHAPTER XI

## TELECOMMUNICATIONS

*Section 102*

The drilling platform shall be equipped with radio communications according to the rules and regulations in force.

Before any platform is put into operation in the areas mentioned in Section 1, the above-mentioned installation shall be approved by the Ministry or any one authorized by it.

Inspection of the above-mentioned radio communication equipment shall be made whenever it is deemed necessary by the Ministry or any one authorized by it.

*Section 103*

The radio communication equipment mentioned in Section 102 shall be installed in adequate rooms for that purpose and shall be permanently installed so as to prevent it from being damaged or displaced by sudden movements of the platform.

*Section 104*

The radio installation shall only operate on approved frequencies and with approved power and in compliance with the conditions laid down in the radio communication licence issued for the said installation. It must be maintained and operated in accordance with the international conventions in force to which Norway is a party and in accordance with Norwegian laws and regulations.

Broadcasting (sound and television) from the platform is prohibited.

*Section 105*

The radio installations shall be operated by a radio operator holding an approved certificate in accordance with prevailing rules and regulations.

*Section 106*

During operations whereby the platform is lifted or lowered, see Section 18, and during other operations and manœuvres creating special danger such as landing and take-off of helicopters, mooring of vessels etc., the radio station shall be ready for use and manned with a radio operator.

*Section 107*

The radio installations mentioned in Section 102 shall cover the necessary connexions with approved fixed stations on land, ships, helicopters and other drilling platforms in the area.

The platform shall likewise be equipped with sufficient number of survival craft stations of an approved type for lifeboats and other survival craft.

## CHAPTER XII

## COMMUNICATIONS

*Section 108*

The platform shall have at its disposal a system of communications consisting of ships and helicopters sufficient for good and safe operation and maintenance of the platform.

The system must be fully sufficient to meet any emergency which may occur. Special consideration must be paid to life, health and welfare of the crew of the platform.

*Section 109*

Before a platform is put into operation in the areas mentioned in Section 1, the licensee shall submit to the Ministry a plan covering the communication system mentioned in Section 108. The platform shall not be put into operations until this system has been approved by the Ministry.

*Section 110*

The drilling platform shall be constructed in such a manner as to permit the transfer of persons and goods to and from the platform without creating unreasonable danger or risks to human lives, platform, vessel or goods.

Vessels must not moor, be moored or remain alongside the platform when wind and weather conditions create dangers for the vessel or the platform.

The drilling platform shall be equipped with properly constructed and maintained fender systems, buoys systems or similar mooring devices offering safe transfer of persons and goods to or from the platform without creating hazards for platform, vessel, persons or goods. Alternate possibilities should exist for such mooring and transfer of persons and goods.

*Section 111*

Ships used for transport to and from the platform shall be constructed, equipped, manned and maintained in accordance with the rules and regulations in force at any time.

*Section 112*

The drilling platform to be used in the areas mentioned in Section 1, shall be equipped with an approved helicopterdeck.

The drilling platform shall be constructed in such a manner as to secure an unobstructed flight path for landing on and take-off from the helicopterdeck.

The drilling platform must be equipped with the installations and equipment which is deemed necessary for good and safe operations of helicopters to and from the platform in accordance with the rules and regulations in force at any time.

*Section 113*

Helicopters used for transport to and from the platform shall be constructed, equipped, manned and maintained in accordance with the rules and regulations in force.

The helicopters shall be of such type and have such capacity as to be able to serve the platform in a safe and satisfactory manner. The helicopters shall be constructed in such a manner or otherwise be equipped with such devices that they are able to land on the sea. The helicopters shall carry life-saving equipment, life-saving winch, firefighting equipment, first aid equipment and navigation and communication equipment in accordance with the rules and regulations in force and the approved flight manual.

Licence is required for helicopter service to and from the platform.

## CHAPTER XIII

## USE OF RADIOACTIVE EQUIPMENT

*Section 114*

Due care must be shown in the transport, storage, handling and use of radioactive material and equipment in order to avoid harmful effects to human life and health or other organic life in compliance with the international and Norwegian rules and regulations in force at any time.

Special care must be shown to avoid harmful effects to marine life.

*Section 115*

In sufficient time before radioactive equipment is put into use, the licensee is obliged to submit for approval to the Ministry or any one authorized by it a complete plan for the transport, storage and use thereof. The plan shall contain a description of the safety measures to be taken.

*Section 116*

The personnel to be occupied with the transport, storage, handling and use of the radioactive equipment, shall be specially trained for this task. The number of persons participating in this work or persons who otherwise may be exposed to the danger of radioactive rays, shall be reduced to a minimum.

All necessary precautionary measures must be taken to avoid harmful effects to the persons mentioned above and for the rest of the personnel on board.

Personnel engaged in the transport, storage, handling and use of radioactive material shall regularly be submitted to medical control and always undergo medical examination before being appointed to such work.

#### *Section 117*

Radioactive material and equipment with containers shall always be properly marked advising about the danger of radioactive rays. Storage rooms on board the platform and during transport shall be marked in a similar manner.

When not in use, radioactive material and equipment shall be kept in locked rooms. All other necessary measures shall be taken to avoid that such equipment may be lost or misplaced.

Radioactive material and equipment shall only be kept on board the platform during periods immediately prior to their use and only in such quantities as required for the immediate use.

#### *Section 118*

If radioactive material and equipment are misplaced or lost, the licensee shall immediately notify the Ministry or any one authorized by it.

Radioactive waste or packing material which has contained radioactive material, shall be disposed of in a safe and approved manner in accordance with the rules and regulations in force at any time. Such waste or material must in no event be thrown overboard.

### CHAPTER XIV

#### MISCELLANEOUS

#### *Section 119*

For such activities as mentioned in Section 1 in this decree, the rules and regulations in force at any time for the protection of the workers on board the drilling platform shall apply.

#### *Section 120*

The licensee, contractors and any other person working on board shall at all times take the necessary precautions to avoid accidents.

#### *Section 121*

The employees shall be equipped with safety helmets, safety boots, safety belts and other safety equipment which they are obliged to use when working conditions so require.

#### *Section 122*

No one shall be in areas where there is lack of oxygen or pollution of the air by inflammable or poisonous gases or by other obnoxious vapours or dust in such quantities as to endanger human life or health without being equipped with the necessary breathing apparatus.

*Section 123*

Before diving operations are commenced, a work plan shall be submitted for approval to the Ministry or any one authorized by it. The plan shall contain details concerning the equipment to be used in the diving operation, the manner in which the diving operations will be carried out and details with regard to what safety precautions have been taken to protect the life and health of the diver.

If the diver is not equipped with approved Norwegian Diver Certificate, permission must be obtained in advance from the Ministry or any one authorized by it for the diver or divers involved.

Diving operations must be carried out in a safe manner according to the rules and regulations in force at any time.

*Section 124*

Outdoor working areas shall if possible be screened and heated in safe manner during the winter season or when otherwise weather conditions so require.

*Section 125*

Working areas shall at all times be kept as clean and free from hindrances and impediments as possible. Possible hindrances, protruding points, low ceilings etc. shall be properly marked.

The drilling platform shall as far as possible be cleared of oil spillages, ice, snow, etc.

The living quarters shall at all times be properly cleared and kept in good order. The quarters shall have sufficient equipment and light to ensure the health and comfort of the personnel. The living quarters shall be properly ventilated and heated. The ventilation system shall be so constructed as to prevent the penetration of poisonous or obnoxious gases, dust, etc. through the system into the quarters. The ventilation system shall be equipped with main switches for immediate cutting off of system in case of danger of gases etc.

*Section 126*

The drilling platform shall as far as possible be equipped with a sick-bay (hospital room) with adequate facilities to care for the sick and injured. The platform shall have available complete first aid equipment in accordance with the rules and regulations in force at any time. The first aid equipment shall be sufficient to give at any time satisfactory aid on board and during transport ashore in connexion with any foreseeable accident or disease. The first aid equipment shall be available on immediate notice.

The platform shall be provided with resuscitating equipment which likewise shall be immediately available at all times.

On each shift at least one member of the personnel must have passed an approved first aid course.

A maximum number of the personnel shall be taught an approved method of artificial respiration.

Before drilling operations are started, arrangement shall be made with a medical association or a doctor to ensure that a doctor is available at all times for transport to the platform at the shortest possible notice to render medical aid on board in case it is not deemed advisable to move a sick or injured person.

#### *Section 127*

If a disease is discovered on the platform which may be of a contagious nature or otherwise be a risk to the health of the personnel or others, a Norwegian medical doctor shall be called to the platform without undue delay.

If fatalities and serious injuries to the personnel or to others occur, they shall immediately be notified to the Ministry or any one authorized by it. In addition an ordinary sick-report shall be forwarded in connexion with all accidents or diseases caused by the activities on board and which result in disabilities of more than three days of the above mentioned persons.

### CHAPTER XV

#### FINAL PROVISIONS

#### *Section 128*

By violations of the provisions of this decree or of the provisions contained in regulations issued pursuant to this decree, the provisions contained in Sections 45 and 48 of the Royal Decree of 9th April, 1965 concerning exploration for and exploitation of petroleum deposits in the sea-bed or its subsoil apply correspondingly.

#### *Section 129*

Willful or gross negligent violations of the provisions of this decree or of the provisions contained in regulations issued pursuant to this decree are punishable according to the applicable law in force.

#### *Section 130*

This decree enters into force immediately.

## 34. PANAMA

ACT NO. 31 OF 2 FEBRUARY 1967, article 1<sup>1</sup>

## 35. PHILIPPINES

PROCLAMATION NO. 370 OF 20 MARCH 1968 BY THE PRESIDENT OF THE PHILIPPINES

*Declaring as Subject to the Jurisdiction and Control of the Republic of the Philippines all Mineral and Other Natural Resources in the Continental Shelf of the Philippines*

...

*Whereas*, the Congress of the Philippines, in Republic Act No. 387, as amended, known as the "Petroleum Act of 1949",<sup>2</sup> declared that "all natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters, or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the Republic of the Philippines inalienably and imprescriptively"; and

*Whereas*, it is established international practice sanctioned by the law of nations that a coastal state is vested with jurisdiction and control over the mineral and other natural resources in its sea-bed and subsoil of the continental shelf adjacent to its coasts but outside the area of the territorial sea to where the depth of the superjacent waters admits of the exploitation of such resources;

Now, Therefore, I, Ferdinand E. Marcos, President of the Philippines, do hereby proclaim that all the mineral and other natural resources in the sea-bed and subsoil of the continental shelf adjacent to the Philippines, but outside the area of its territorial sea to where the depth of the superjacent waters admits of the exploitation of such resources, including living organisms belonging to sedentary species, appertain to the Philippines and are subject to its exclusive jurisdiction and control for purposes of exploration and exploitation. In any case where the continental shelf is shared with an adjacent state, the boundary shall be determined by the Philippines and that state in accordance with legal and equitable principles. The character of the waters above these submarine areas as high seas and that of the airspace above those waters, is not affected by this proclamation.

...

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 34.

<sup>2</sup> Section 2 of Republic Act No. 387, reproduced in ST/LEG/SER.B/1, p. 19.



## 36. PORTUGAL

DECREE<sup>1</sup> No. 47,973 OF 30 SEPTEMBER 1967\*\*CHAPTER I  
CONCESSIONSSECTION I  
GRANTING OF CONCESSIONS*Article 1**Subject of the Decree. Definition of petroleum*

Concessions for the utilization of petroleum on the continental shelf of Portugal as referred to in Act No. 2080 of 21 March 1956 shall be granted by contract, subject to the provisions of articles II to IV of the said Act and in conformity with the provisions of the following articles of the present Decree.

*Sole paragraph.* For the purpose of this Decree, the term "petroleum" means any natural concentration or mixture of liquid or gaseous hydrocarbons, including all substances of any other nature which are found combined or mixed therewith or suspended therein. The term excludes natural hydrocarbons in the solid state and all concentrations which are exploitable only by means of extraction from the rock in which the concentration occurs.

*Article 2**Division of the continental shelf*

The continental shelf as referred to in the preceding article shall be divided into blocks in conformity with the map deposited with the Department of Mines and Geological Services. The dimensions of the blocks shall be 6' of longitude and 5' of latitude, except that the coastline, the 200-metre isobath or the maritime frontier shall constitute the limit of a block when it is contiguous thereto.

*Article 3**Methods of granting concessions. Concession area*

Subject to the authorization of the Council of Ministers, the Ministry of Economic Affairs shall, when it considers it appropriate to do so, call for bids on a competitive basis or undertake private negotiations for the granting of concessions embodying exclusive rights to petroleum prospecting, exploration and exploitation in specified areas comprising specified blocks of the continental shelf. The final arrangements shall be made by the Secretariat of State for Industry which, after the necessary investigation and formalities, shall submit the matter for consideration and decision to the Council of Ministers.

<sup>1</sup> *Diário do Governo*, Series I, No. 229, of 30 September 1967, p. 1756.

*Sole paragraph.* The maximum area of each concession shall be twelve blocks, which, wherever possible, shall form a compact whole. More than one concession may be granted to the same undertaking.

#### *Article 4*

##### *Competitive bidding*

In case of competitive bidding, the concessions shall be granted to the bidder of proven technical and financial capacity whose proposal is considered most advantageous to the nation.

The Government reserves the right not to accept any of the bids.

#### *Article 5*

##### *Conditions of bidding*

In addition to such other conditions as may be established for competitive bidding in each particular case, there shall be required of each bidder:

(a) A minimum work programme, with an estimate of its cost, for a period of six years, which shall be the basis for the formulation of definitive programmes;

(b) A statement of the benefits offered to the State in addition to the minimum conditions laid down in this Decree;

(c) Documentary evidence of the bidder's technical and financial capacity;

(d) In the case of an alien, a statement whereby he waives the jurisdiction of any special court or body and, in all matters concerning the activities arising out of the concessions being sought, accepts the provisions of Portuguese law;

(e) A document certifying that the bidder has deposited with the *Caixa Geral de Depósitos, Crédito e Previdência* a sum of 20,000 escudos, plus 200 escudos for each block, which shall constitute a provisional deposit.

The provisional deposit shall become definitive in the case of a successful bidder and shall thereupon revert to the State.

#### *Article 6*

##### *Private negotiation*

In the case of private negotiations, the terms of the concession shall be drawn up with due regard for the provisions of the preceding article, and the deposit referred to in that article shall be made prior to the granting of the concession.

## SECTION II

### DURATION OF CONCESSIONS

#### *Article 7*

##### *Initial period. Conditions for extension*

A concession shall be valid for a period of six years from the date on which the relevant contract is signed. The concessionary shall be entitled to an extension of the concession for an additional period of forty years if he has adhered strictly

to the work programme and has complied with all the provisions of this Decree and with those of the relevant contract.

1. An application for such extension must be made to the Secretary of State for Industry not later than three months before the expiry of the initial six-year period.

The application shall be accompanied by a detailed account of all the work carried out, its results and the prospects for the future.

As the extension for the first three years shall apply to not more than 75 per cent of the number of blocks originally included in the concession, the concessionary shall state in his application which blocks he intends to retain.

2. After three years of the extension period have elapsed, the area of the concession shall be further reduced to not more than 50 per cent of the original number of blocks.

The concessionary shall state, in an application submitted to the Secretary of State for Industry not less than three months before expiry of the said period of three years, which blocks he intends to retain.

3. If the concessionary fails to submit an application within the time limits specified in the preceding paragraphs, he shall automatically lose his rights to the concession.

4. During any extension period the concessionary shall carry on such prospecting, exploration and exploitation activities as are conducive to the rapid development of the entire concession, in accordance with annual plans which shall be approved by the Secretary of State for Industry after consultation with the Department of Mines and Geological Services and the Hydrographic Institute.

#### *Article 8*

##### *Special extension*

An extension beyond the forty-year period referred to in the preceding article may, as an exceptional measure, be authorized by the Council of Ministers for Economic Affairs, on the proposal of the Ministry for Economic Affairs, when there are sound reasons for believing that a petroleum deposit will continue in production after the said period.

Such extension shall be requested by the concessionary at least two years prior to the date on which the concession expires.

*Sole paragraph.* The special conditions for such extension shall be laid down by the Council of Ministers.

#### *Article 9*

##### *Waiver*

A concessionary may at any time waive his rights to the relevant concession area. The waiver shall not dispense the concessionary from compliance with any obligations or responsibilities imposed by or arising from this Decree or with the special requirements laid down in the relevant contract, and it shall be subject to the following conditions:

(a) During the initial six-year period, the waiver shall become effective one year after the relevant declaration has been submitted to the Department of Mines and

Geological Services, and it shall apply to the entire concession area. As an exceptional measure, however, the Secretary of State for Industry may accept a waiver in respect of a part of the original area if the concessionary submits an acceptable revised programme for the area he intends to retain;

(b) During the forty-year extension period, the waiver shall become effective three months after the relevant declaration has been submitted to the Department of Mines and Geological Services, and it shall apply to all or part of the concession area.

...

#### *Article 11*

##### *Non-transferability of the concessionary rights*

Save with the prior authorization of the Council of Ministers, a concessionary may not alienate or otherwise transfer the concessionary rights either in whole or in part nor grant sub-concessions in respect of the concession area or a part thereof.

## CHAPTER II

### MINING OPERATIONS

#### SECTION I

##### EXECUTION OF THE WORK

#### *Article 16*

##### *Drilling, closing or abandonment of borings*

The conditions for the drilling, closing or abandonment of borings may be prescribed by the Department of Mines and Geological Services, which, whenever it considers it appropriate to do so for purposes of supervision in respect of the depth, direction, casing, sealing or discontinuance of a boring, shall have the boring and the relevant logs examined, subject to such conditions and by such persons as it considers appropriate; all the resulting expenditure shall be borne exclusively by the concessionary.

The closing of any boring shall be effected in an efficient and safe manner and only after approval of the relevant plan has been given by the aforementioned Department.

No boring may be abandoned without the prior consent in writing of the said Department.

...

#### *Article 17*

##### *Distance of borings from the boundaries of the concession area*

No boring may be drilled or operated within a distance of less than 100 metres from the boundaries of the concession area; provided that this distance may be

reduced by the Department of Mines and Geological Services in special cases where such action is justified.

...

#### *Article 19*

##### *Working methods. Safeguards to be observed*

It shall be incumbent upon the concessionary to keep all his equipment, instruments, installations and borings in safe condition and in a proper state of repair; to carry out all operations in a careful and responsible manner in accordance with accepted standards of petroleum technology; and, without prejudice to the regulations in force, to take all necessary steps to:

- (a) control the flow and prevent the escape or loss of petroleum or gas discovered or extracted in his concession area;
- (b) maintain the area in a suitable condition for production operations;
- (c) prevent damage which is apt to affect production levels;
- (d) prevent water from entering the producing horizons, except for the purpose of secondary recovery;
- (e) prevent the escape of petroleum or gas into the waters within his own concession area or neighbouring concession areas.

...

#### *Article 23*

##### *Fishing, navigation and scientific research*

No operations, even if they have been expressly authorized, may be carried out in such a way as unjustifiably to interfere with navigation, fishing or the conservation of the living resources of the sea or adversely to affect fundamental oceanographic or other scientific research; prior notice shall be given to the maritime authorities of any proposed operations.

#### *Article 24*

##### *Safety standards*

Adequate safety standards shall be observed in respect of the operations and of transport, installations and operating sites, and the concessionary shall comply with such written instructions as may be communicated to him by the Department of Mines and Geological Services for the purpose of safeguarding the safety, health and well-being of the persons employed in the area concerned and in the vicinity thereof.

To this end, consultations shall be held with the Ministry of Marine, and in particular with the Hydrographic Institute as regards marking problems and with the Department of Marine as regards rescue facilities.

#### *Article 25*

##### *Safety zone*

A safety zone shall be established around and above permanent or temporary installations and equipment, such as fixed drilling barges, drilling platforms, pumps and the like.

The safety zone shall be determined by the Ministry of Marine and may extend to a distance of 500 metres from the outer edge of the installations or equipment concerned.

The installations and equipment and the surface boundaries of the safety zone shall be suitably marked. Specific marking requirements shall be laid down in each case by the Ministry of Marine either on its own initiative or at the request of the concessionary.

*Sole paragraph.* Unless expressly authorized by the Ministry of Marine, ships, aircraft and other water-borne or air-borne vessels not connected with the operations shall be prohibited from entering the safety zone.

...

#### CHAPTER IV

##### *VALUATION AND MARKETING OF PETROLEUM*

...

#### *Article 38*

##### *Preferential treatment of Portuguese industry*

The concessionary shall, all other conditions being equal, give preference to meeting the needs of Portuguese industry.

#### *Article 39*

##### *Requisition by the Government*

In the event of war or other grave national emergency, all production shall be at the disposal of the Government, but the concessionary shall receive fair compensation, due regard being had for the information referred in articles 36 and 37.

#### *Article 40*

##### *Export*

The export of petroleum shall be subject to authorization by the Minister of Economic Affairs and to a system of regulations proposed by the Secretariats of State for Commerce and for Industry and approved by the aforesaid Minister after consultation with the Ministry of Finance.

#### CHAPTER V

##### *PAYMENTS TO THE STATE*

#### *Article 41*

##### *Tax system*

The concessionary shall be subject to the general tax system, without being entitled to the exemptions provided for in article 18 of the Industrial Taxation

Code, as approved by Legislative Decree No. 45,103 of 1 July 1963, and shall pay rent and royalties as provided in the following articles.

## CHAPTER VI *EXEMPTIONS AND PRIVILEGES*

### *Article 46*

#### *Exemption from customs duty*

Subject to the provisions of article 5 of Legislative Decree No. 43,962 of 14 October 1969, the Government shall exempt from import duty all equipment intended solely for such prospecting, exploration, development and exploitation operations and such treatment, transport and storage of products as are referred to in this Decree.

### *Article 47*

#### *Foreign technical personnel*

In view of the specialized skills required by the nature of the operations to which this Decree refers, the concessionary may utilize such foreign specialists as may be necessary, provided that this shall be without prejudice to the preference which must be given to the employment of suitably qualified Portuguese personnel and the obligation of the concessionary to promote and accelerate this specialized training of such personnel with a view to the gradual replacement, as far as possible, of the foreign specialists.

### *Article 48*

#### *Expropriation*

Concessionaries may, on the basis of a declaration of public convenience and necessity made by the Council of Ministers in accordance with the legislation in force, appropriate such land areas as are necessary for the erection on land of facilities for the storage of the petroleum extracted or other facilities indispensable to the purposes of the concession.

### *Article 49*

#### *Confidential treatment of information*

All work programmes, reports and other items of information made available by the concessionary to official bodies shall be treated by them as confidential for a period of five years, which may be extended at the request of the concessionary who provided the same. Departments and agencies of the State may, however, make public information of a general nature concerning the progress of the work and the prospects of discovering petroleum.

*Sole paragraph.* Two years after a concessionary has waived or lost his rights, the information referred to in this article may be freely utilized.

...

## CHAPTER VIII

*PENALTIES**Article 52**Penalties*

Infringement of the provisions of this Decree shall be subject to the following penalties:

- (a) fine;
- (b) forfeiture of the concession.

*Sole paragraph.* Non-compliance by a concessionary by reason of *force majeure* shall not constitute an infringement.

*Article 53**Fines*

Fines shall range from 5,000 to 300,000 escudos according to the seriousness of the infringement.

*Article 54**Power to impose fines*

Fines not exceeding 50,000 escudos shall be imposed by the Department of Mines and Geological Services and fines from 50,000 to 300,000 escudos shall be imposed by the Secretary of State for Industry.

*Article 55**Grounds for forfeiture*

The following shall be grounds for forfeiture of the concession:

(a) Non-payment—within sixty days of receipt of the relevant notice by registered letter, with acknowledgement of receipt—of the rent or the concession royalties and of the fine imposed by reason of such non-payment where payment is not made within the time limits laid down by this Decree;

(b) Serious violation of the conditions laid down by this Decree or by the relevant concession contract;

(c) A fourth instance of non-compliance with the obligations imposed by this Decree or by the relevant concession contract;

(d) Failure to comply with the approved work programmes;

(e) Failure to furnish sureties within the time limits and in the amounts prescribed;

(f) Bankruptcy of the concessionary.

*Sole paragraph.* The penalty of forfeiture shall be imposed by the Council of Ministers, on the proposal of the Secretariat of State for Industry.

The concessionary shall be granted a prior hearing in the cases dealt with in items (b), (c), (d) and (e).



## 37. 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 3.* Sur toute l'étendue du plateau continental, zone comprise entre la laisse de la plus basse mer et l'isobathe des fonds de 200 mètres, le Sénégal se réserve tous les droits quant à l'exploitation du sous-sol marin.

...

## 38. SINGAPORE

Singapore has not enacted any national legislation programmes concerning exploitation procedures, and research in natural resources of the sea-bed, ocean floor and subsoil, or safety practices in connexion with oil drilling and mining in marine areas.<sup>1</sup>

## 39. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963 (Act No. 87 of 1963), section 7<sup>2</sup>

## 40. SPAIN

(a) ACT<sup>3</sup> OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS\*\*

## CHAPTER I

## GENERAL PROVISIONS

1. This Act institutes the legal régime for the exploration and exploitation of oil and gas, the deposits of which in Spanish territory constitute an inalienable and imprescriptible national asset in accordance with the traditional provisions of Spanish mining law.

<sup>1</sup> The information was provided by the Permanent Mission of Singapore to the United Nations in a note SM/UN/800: 711/15/1/1 of 21 May 1968.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 40.

<sup>3</sup> *Boletín Oficial*; 29 December 1958.

This Act shall apply to the following three zones:

Zone I. Peninsular territory, the Balearic Islands, the Canary Islands and Spanish territories in North Africa.

Zone II. Territories of Guinea.

Zone III. Territories of Spanish West Africa.

Each zone includes the corresponding territorial waters and continental shelf.

...

2. All activities pertaining to oil and gas prospecting, exploring, exploiting, storing and refining and to the transport of oil and gas by pipeline and other special conduits which are governed by this Act shall be declared to be of public utility.

5. Permits and concessions may be granted to any natural or legal person who, besides having the necessary legal capacity, shall have furnished proof to the Administration's satisfaction of the technical skill and financial capacity to carry out the operations to which the permit or concession refers.

6. Surface prospecting may be carried out freely except that in no case may permission of an exclusive nature be granted.

Exploration permits and exploitation concessions shall enable the holder to search for and exploit the substances to which this Act refers for a definite period of time within a specified area.

An exploitation concession shall give the holder the right to obtain authorization to store and transport such substances for the purposes for which it was granted. The appropriate authorizations shall give the holder the right to refine, store and transport them in the manner and within the limitations prescribed by this Act.

...

9. No foreign State or Government may, either directly or indirectly, through intermediary natural or legal persons, apply for, possess or acquire the permits and concessions to which this Act refers. The same prohibition shall apply to companies or other entities which are financially dependent on such States or Governments to the extent of holding more than one third of the actual votes in the board of management and general meeting of stockholders.

...

## CHAPTER VII

### AUTHORITY AND JURISDICTION

57. Holders of permits and concessions shall be unrestrictedly subject to the laws and courts of Spain.

The courts of Madrid shall have sole jurisdiction to hear cases arising under this Act between the holders and the State.

58. The State may inspect all work and activities connected with the exploration, exploitation, refining, storing and transport of the substances to which this Act refers in order to verify compliance with the obligations which the Act and its regulations impose on concession holders.

It may also inspect at any time the accounts of the concession holders and exercise all the activities of inspection and control incumbent upon it under this Act and its regulations, especially in order to verify compliance with the laws and administrative provisions relating to fiscal, social and labour matters.

...

61. The ordinary courts of justice shall deal with and rule on all matters pertaining to oil and gas permits and concessions arising between parties with respect to ownership, shares, debts and other civil affairs, as well as any common offences which may be committed on the actual premises of the parties' establishments.

Action by an ordinary court shall not obstruct administrative proceedings, the court's decision pertaining only to the economic aspects of the right at issue and not to the administrative order whereby it was granted, and shall not occasion suspension of the exploration, exploitation and other work, for which the posting of a bond may be required.

When the courts order the attachment of the products of exploitation, only a sum corresponding to the official valuation of such products may be attached as and when they are sold.

- (b) DECREE 977/1959 OF 12 JUNE 1959.<sup>2</sup> REGULATIONS FOR IMPLEMENTING THE ACT<sup>2</sup> INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS\*\*

## CHAPTER I

### GENERAL PROVISIONS

*Article 1.* The present regulations are supplementary and further to the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas in accordance with the provisions of that Act, which governs the exploration, exploitation, refining, storage and transport of all kinds of oil and gas produced in the Spanish mainland, islands and territories in Africa.

## CHAPTER II

### SURFACE PROSPECTING

*Article 5.* In accordance with article 6 of the Act, surface prospecting may be carried out freely, except that in no case may permission of an exclusive nature be granted. Such surface prospecting shall include all geological and prospecting methods, by air and land, but not probes or geophysical methods requiring the use of explosives.

...

<sup>1</sup> *Boletín Oficial*, No. 142 of 15 June 1959, p. 8537.

<sup>2</sup> *Supra* under (a).

## CHAPTER III

## EXPLORATION PERMITS

*Article 8.* Any natural or legal person, whether national or foreign, to whom the disqualifications set forth in article 9 of the Act do not apply may, within the limitations imposed by articles 14 and 15 of the Act, obtain permits to explore for oil and gas and carry out, as appropriate, the exploitation which may derive therefrom, provided that he proves, at the time of application, or has previously proved, to the Bureau of Mines and Fuels, his technical and economic capacity to carry out such exploration.

...

*Article 16.* Where foreign natural or legal persons are concerned, they must prove that they have previously founded a Spanish company, or a foreign company having its head office in Spanish territory for the purposes of the oil and gas Act, the aim of which is precisely to engage in the activities authorized by the permits which may be obtained.

...

(c) DECREE 2615/1966 OF 7 SEPTEMBER 1966 PUBLISHING THE OFFICIAL GRID MAP OF SEA AREAS IN ZONE III (SAHARA)<sup>1\*\*</sup>

Article 1 of this Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas includes the corresponding waters and continental shelf under Spanish jurisdiction in each of three Zones into which, for all purposes of the Act, Spanish territory is considered to be divided.

Article 15, paragraph 1, sub-paragraph (b), of the regulations of 12 June 1959 for implementing the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas provides that the areas applied for in Zones II and III and expressed in terms of square numbers shall be defined in accordance with the plan referred to in article 172 which also indicates the boundaries of the squares.

Since the techniques and methods of exploring and exploiting oil and gas in the subsoil of the sea-bed at low depths were at the experimental stage, the grid map did not initially cover sea areas in Zone III (Sahara), even though most of these areas were allotted and deemed to be incorporated, although their boundaries were not defined, in the corresponding coastal squares. However, since the aforesaid methods and techniques have been greatly improved and since most of the areas allotted have reverted to the State as reserves because the areas have been renounced by the concessionnaires, it is advisable to publish the grid of the official map of Zone III for the sea areas under Spanish jurisdiction and the continental shelf.

...

*Article 1.* (1) Article 172 of the regulations for implementing the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation

<sup>1</sup> *Boletín Oficial* No. 253 of 22 October 1966, p. 13353.

of oil and gas, approved by Decree of 12 June 1959, is hereby amended so as to include the following provision:

“The squares corresponding to sea areas in Zone III (Sahara) shown in the annexed map and with the boundaries indicated below shall also be deemed to be included in the grid referred to in article 15:

- “No. 1-a. – Northern boundary: 27° 40' N; southern boundary: 27° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 40' N and longitude 13° 28' W to the point of intersection of latitude 27° 20' N and longitude 13° 38' W; total area 101,686 hectares.
- “No. 8-a. – Northern boundary: 27° 20' N; southern boundary: 27° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 20' N and longitude 13° 38' W to the point of intersection of latitude 27° 00' N and longitude 13° 42' W; total area 108,722 hectares.
- “No. 15-a. – Northern boundary: 27° 00' N; southern boundary: 26° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 00' N and longitude 13° 42' W to the point of intersection of latitude 26° 40' N and longitude 14° 10' W; total area 153,132 hectares.
- “No. 22-a. – Northern boundary: 26° 40' N; southern boundary: 26° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 26° 40' N and longitude 14° 10' W to the point of intersection of latitude 26° 20' N and longitude 14° 39' W; total area 168,505 hectares.
- “No. 30-a. – Northern boundary: 26° 20' N; southern boundary: 26° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 26° 20' N and longitude 14° 39' W to the point of intersection of latitude 26° 00' N and longitude 15° 07' W; total area 164,756 hectares.
- “No. 39-a. – Northern boundary: 26° 00' N; southern boundary: 25° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 26° 00' N and longitude 15° 07' W to the point of intersection of latitude 25° 40' N and longitude 15° 38' W; total area 322,661 hectares.
- “No. 43-a. – Northern boundary: 25° 40' N; southern boundary: 25° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 40' N and longitude 15° 38' W to the point of intersection of latitude 25° 20' N and longitude 16° 04' W; total area 413,151 hectares.
- “No. 47-a. – Northern boundary: 25° 20' N; southern boundary: 25° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 20' N and longitude 16° 04' W to the point of intersection of latitude 25° 00' N and longitude 16° 14' W; total area 477,868 hectares.
- “No. 51-a. – Northern boundary: 25° 00' N; southern boundary: 24° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 00' N and longitude 16° 14' W to the

point of intersection of latitude  $24^{\circ} 20' N$  and longitude  $16^{\circ} 42' W$ ; total area 1,04,275 hectares.

“No. 60-a. – Northern boundary:  $24^{\circ} 20' N$ ; southern boundary:  $24^{\circ} 00' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $24^{\circ} 20' N$  and longitude  $16^{\circ} 42' W$  to the point of intersection of latitude  $24^{\circ} 00' N$  and longitude  $16^{\circ} 47' W$ ; total area 460,568 hectares.

“No. 65-a. – Northern boundary:  $24^{\circ} 00' N$ ; southern boundary:  $23^{\circ} 20' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $24^{\circ} 00' N$  and longitude  $16^{\circ} 47' W$  to the point of intersection of latitude  $23^{\circ} 20' N$  and longitude  $17^{\circ} 05' W$ ; total area 841,338 hectares.

“No. 77-a. – Northern boundary:  $23^{\circ} 20' N$ ; southern boundary:  $23^{\circ} 00' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $23^{\circ} 20' N$  and longitude  $17^{\circ} 05' W$  to the point of intersection of latitude  $23^{\circ} 00' N$  and longitude  $17^{\circ} 13' W$ , total area 377,994 hectares.

“No. 82-a. – Northern boundary:  $23^{\circ} 00' N$ ; southern boundary:  $22^{\circ} 40' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $23^{\circ} 00' N$  and longitude  $17^{\circ} 13' W$  to the point of intersection of latitude  $22^{\circ} 40' N$  and longitude  $17^{\circ} 19' W$ ; total area 379,273 hectares.

“No. 82-b. – Northern boundary:  $22^{\circ} 40' N$ ; southern boundary:  $22^{\circ} 20' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $22^{\circ} 40' N$  and longitude  $17^{\circ} 19' W$  to the point of intersection of latitude  $22^{\circ} 20' N$  and longitude  $17^{\circ} 27' W$ ; total area 361,186 hectares.

“No. 91-a. – Northern boundary:  $22^{\circ} 20' N$ ; southern boundary:  $22^{\circ} 00' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $22^{\circ} 20' N$  and longitude  $17^{\circ} 27' W$  to the point of intersection of latitude  $22^{\circ} 00' N$  and longitude  $17^{\circ} 29' W$ ; total area 267,118 hectares.

“No. 97-a. – Northern boundary:  $22^{\circ} 00' N$ ; southern boundary:  $21^{\circ} 40' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $22^{\circ} 00' N$  and longitude  $17^{\circ} 29' W$  to the point of intersection of latitude  $21^{\circ} 40' N$  and longitude  $17^{\circ} 30' W$ ; total area 213,288 hectares.

“No. 97-b. – Northern boundary:  $21^{\circ} 40' N$ ; southern boundary:  $21^{\circ} 20' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $21^{\circ} 40' N$  and longitude  $17^{\circ} 30' W$  to the point of intersection of latitude  $21^{\circ} 20' N$  and longitude  $17^{\circ} 32' W$ ; total area 197,824 hectares.

“No. 97-c. – Northern boundary:  $21^{\circ} 20' N$ ; southern boundary:  $21^{\circ} 00' N$ ; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude  $21^{\circ} 00' N$  and longitude  $17^{\circ} 32' W$  to the point of intersection of latitude  $21^{\circ} 00' N$  and longitude  $17^{\circ} 36' W$ ; total area 198,274 hectares.

“No. 97-d. – Northern boundary:  $21^{\circ} 00' N$ ; southern boundary:  $20^{\circ} 46' N$ ;

eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 21° 00' N and longitude 17° 36' W to the point of intersection of latitude 20° 46' N and longitude 17° 48' W; total area 165,970 hectares.

All longitudes are in relation to the Greenwich meridian.

"The zone of sovereignty over the continental shelf of the above-mentioned territory not covered by the squares specified above may be the subject of later demarcation."

(II) The map referred to in the added provision constitutes the annex to this Decree, and shall be published as a map annexed to the regulations.

*Article 2.* Squares Nos. 1-a, 8-a, 15-a, 22-a, 30-a, 39-a, 43-a, 60-a, 77-a, 97-a, 97-b, 97-c and 97-d are included in areas which have reverted to the State as reserves, having been renounced by the concessionnaires, and shall continue to be reserves.

Squares Nos. 82-a, 82-b and 91-a, which have never been allotted, shall continue to be free and subject to registration.

Squares Nos. 47-a, 51-a and 65-a, the perimeters of which are included in the concessions granted to the Spanish Gulf Company and the *Compañía Española de Petróleos, S.A.*, jointly, under Decree 195 of 11 February 1960 and Decree 1608 of 10 August 1960 shall continue to be allotted to those companies.

#### 41. SWEDEN

(a) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF<sup>1\*\*</sup>

##### *Article 1*

For the purpose of this Act the term "continental shelf" shall mean the sea-bed and its subsoil within Swedish public waters and within such an area of the sea outside the territorial limits as the Government may determine in accordance with the Convention on the Continental Shelf signed at Geneva on 29 April 1958.

The term "natural resources of the continental shelf" in this Act shall be interpreted to mean the mineral and other non-living natural resources on the sea-bed and in its subsoil and such living organisms as, at their harvestable stage, are either immobile on or under the sea-bed, or are unable to move unless they are in constant contact with the sea-bed or its subsoil.

Within Swedish public waters this Act shall not apply to the exploration and exploitation of those minerals for which mining concessions can be taken out under the Mining Act of 3 June 1938 (No. 314). Nor does it apply to the harvesting of such living natural resources as are covered by Swedish fisheries legislation.

<sup>1</sup> *Svensk författningssamling*, 1966, 27 June 1966, p. 735. Entered into force on 1 July 1966.

*Article 2*

The right to explore the continental shelf and to extract its natural resources shall vest in the State.

*Article 3*

The Government, or such authority as it may designate, shall have the right to grant a concession<sup>1</sup> to another party to explore the continental shelf by means of geophysical measurements, drilling or other methods, and to extract its natural resources.

The concession shall be for a definite area and a fixed period.

The Government shall have the right to prescribe that certain of the activities referred to in the first paragraph hereof may be engaged in without a concession.

*Article 4*

A concession may be made subject to such conditions as the public interest may require, for example, as regards the management of the enterprise concerned, the methods of carrying out the work, the installations on the continental shelf for the work, charts of the work, sampling, reporting on activities, utilization of the products and measures for safeguarding any deposit found or drill-hole, and instructions for preventing water pollution or for protecting shipping, fishing or other public or private interests.

When a concession is granted, a decision may be taken concerning the extent to which exploration or extraction is to be undertaken for the right deriving from the concession to remain in force.

The concession may also include conditions relating to the participation of the State in the undertaking, or to the payment to the State of fees for the concession, calculated in relation to the quantity or value of the products extracted or otherwise or as a share of the products, and any similar conditions.

...

*Article 6*

The Government, or an authority designated by it, shall have the right to order that a safety zone be instituted to protect an installation set up for the exploration of the continental shelf or for the extraction of its natural resources. Such a safety zone shall extend not more than 500 metres from the outer limit of the installation. The Government, or the authority designated by it, shall also have the right to issue such instructions as may be required for safeguarding such a zone. Unless otherwise provided in this Act or in any regulations which, by virtue of this Act, may be promulgated by the Government or the authority designated by it, ships shall not be permitted to sail into the safety zone without the consent of the owner of the installation.

...

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<sup>1</sup> According to the information provided by the Permanent Representative of Sweden to the United Nations in his note of 6 June 1968, no such concession has yet been granted. No practice has, therefore, been established concerning such special regulations as are mentioned in paragraph 4 of the Act. It is, however, expected that such concessions may come to be granted to a mixed State and privately owned company specialized in oil and natural gas prospecting. Legislation for the creation of such a company is presently being elaborated.



### *Article 8*

An authority designated by the Government shall be responsible for ensuring compliance with the instructions and conditions to which a concession is subject.

When requested by the supervising authority, the holder of a concession shall give such information and transmit such documents as are necessary for exercising supervision. The supervising authority shall have the right to issue regulations in order to ensure compliance with the stipulations and conditions applying to the concession.

Persons responsible for supervision shall have the right of access to any installation, ship or aircraft upon which work covered by the concession is being done and the right to obtain information concerning any circumstance of importance for the purpose of carrying out the instructions and conditions applying to the concession.

...

### *Article 10*

In installations or security zones outside Swedish territorial limits Swedish law shall apply, except as provided in the Mining Act, the Coal Deposits etc. Act of 28 May 1886 (No. 46), the Uranium Act of 2 December 1960 (No. 679), the Water Act and the legislation relating to game and fisheries. In this connexion, the installations and zones shall be deemed to be situated within the nearest part of Swedish territorial waters.

Products extracted outside Swedish territorial waters shall be deemed to have been extracted in Sweden.

### *Article 11*

Any unauthorized person who explores the continental shelf or extracts its natural resources or prepares for such exploration or extraction shall be liable to a fine or to a maximum of six months' imprisonment.

Any person who

(1) disobeys an instruction issued in pursuance of the first paragraph of article 4 thereof;

(2) fails to comply with the requirements or instructions of the supervising authority issued in pursuance of the second or third paragraph of article 8 hereof; or

(3) either wilfully or through gross negligence gives incorrect information in discharging his obligation to provide information in accordance with the terms of the concession, or as directed or imposed in accordance with the second paragraph of article 8 hereof; shall be liable to the same punishment.

Any person who disobeys the order in article 6 hereof not to sail into the safety zone, or the instructions for safeguarding such a zone, shall be liable to a fine.

### *Article 13*

No person who has, or has had, to exercise supervision to ensure compliance with this Act or instructions or conditions issued by virtue of this Act, or who has acted as an assistant in the exercise of such supervision, or who has otherwise had to concern himself with the matters to which the Act refers, may disclose or make

unauthorized use of trade secrets which have thereby become known to him; nor may he, unless this is deemed desirable in the interests of his duties, reveal a working process or commercial data with which he has thus become acquainted. Any person who contravenes these provisions shall be liable to a fine or to a maximum of one year's imprisonment.

Any alien who has committed, outside Sweden, any of the offences referred to in article 11 or article 13 hereof shall, if he is in Sweden, be tried by a Swedish court of law in accordance with this Act even if chapter 2, article 2 or article 3, of the Criminal Code does not apply.

Legal proceedings in respect of the offences referred to in the first and third paragraphs of article 11 hereof may not be instituted unless a decree to that effect has been issued by the Government or by the authority empowered by it to issue such a decree.

Proceedings in respect of offences referred to in article 13 may not be instituted until information has been given by the plaintiff.

(b) REGULATIONS<sup>1</sup> NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT<sup>2</sup> NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF\*\*

*Article 1*

Outside Swedish territorial limits, the Act concerning the continental shelf shall apply to the sea area in which Sweden has the sovereign right to explore the continental shelf and to utilize its natural resources under the Convention on the Continental Shelf, signed at Geneva on 29 April 1958.

...

*Article 3*

No concession pursuant to the Act concerning the continental shelf shall be required for harvesting living organisms.

Nor shall any such concession be required for scientific explorations carried out by Swedish scientific institutions if the work can be done without jeopardizing activities carried out under a concession. The same shall apply to any other exploration carried out by Swedish individuals or corporations in Swedish public waters, unless the exploration is for salt, oil or gas, or involves blasting, drilling, the setting up of an installation, or any other major intrusion on nature.

Explorations of the kind referred to in the second paragraph hereof shall be reported in writing to the Board of Trade not less than one fortnight before the work begins.

...

*Article 6*

The exploration of the continental shelf and the extraction of its natural resources shall not be carried out in such a way that they damage submarine cables or interfere unduly with shipping, fishing or the biological resources of the sea.

<sup>1</sup> *Ibid.*, 27 June 1966, p. 738. Entered into force on 1 July 1966.

<sup>2</sup> *Supra* (a).

The holder of a concession under the Act concerning the continental shelf shall permit cables and pipes to be laid or maintained within the area covered by the concession to the extent that such work is done without unduly obstructing the concessionaire's activities.

Concessionaires shall also permit basic oceanographic research or any other scientific research intended for general publication to be carried out within the area covered by the concession.

#### 42. TOGO

En ce qui concerne le plateau continental et la zone contiguë, le Gouvernement de la République togolaise se réserve le droit d'adopter des mesures de protection des espèces animales, de conservation et d'exploitation des richesses minérales<sup>1</sup>.

#### 43. TURKEY

No legislation exists at present in Turkey on continental shelf and on exploitation procedures and research in natural resources of the sea-bed, ocean-floor and subsoil. According to current regulations, permission for oil drilling within continental shelf is subject to a decision by the Council of Ministers. In granting such permission, it is normally stipulated that those undertaking the drilling should conform to the provisions of the Convention on Continental Shelf.<sup>2</sup>

#### 44. UNION OF SOVIET SOCIALIST REPUBLICS

(a) DECREE<sup>3</sup> OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS DATED 6 FEBRUARY 1968 ENTITLED "ON THE CONTINENTAL SHELF OF THE USSR" \*\*

1. The USSR exercises sovereign rights over the continental shelf adjacent to the outer limit of the territorial sea of the USSR, for the purpose of exploring it and exploiting its natural resources.

<sup>1</sup> Renseignement fourni par la Mission permanente du Togo auprès de l'Organisation des Nations Unies dans sa note n° A III<sup>2</sup> /16/MPT-ONU du 21 mai 1968.

<sup>2</sup> The information was provided by the Permanent Representative of Turkey to the United Nations in his note of 9 May 1968.

<sup>3</sup> *Bulletin of the Supreme Soviet of the Union of Soviet Socialist Republics* No. 6 (1404) of 6 February 1968.

The continental shelf of the USSR consists of the sea-bed and the subsoil of the submarine areas adjacent to the coast or to the islands of the USSR 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 of the exploitation of the natural resources of the said areas.

The sea-bed and the subsoil of depressions entirely surrounded by the continental shelf of the USSR, irrespective of their depth, are part of the continental shelf of the USSR.

2. Where the boundary of the continental shelf of the USSR is adjacent to those of other States, that boundary shall be determined by agreements with those States. In the absence of such agreements, and unless another boundary line is justified by special circumstances:

(a) The boundary of the continental shelf of the USSR with a State whose coasts are opposite those of the USSR shall be the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of the USSR and of the other State is measured;

(b) The boundary of the continental shelf of the USSR with a State whose shelf is contiguous to that of the USSR shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of the USSR and of the other State is measured.

3. The natural resources of the continental shelf are the State property of the USSR. The exploration and exploitation of those resources and any research on the continental shelf shall be carried out in accordance with the current legislation of the Union of Soviet Socialist Republics and the union republics.

The natural resources of the continental shelf mean the mineral and other non-living resources of the sea-bed and the subsoil, together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil. A list of the species of living organisms which are natural resources of the continental shelf of the USSR shall be drawn up by the Ministry of Fishing of the USSR and published for purposes of general information.

4. For the purpose of the exploration and exploitation of the natural resources of the continental shelf, the competent authorities of the USSR shall authorize the construction of installations and other devices and the establishment around such installations and devices of safety zones which may extend to a distance of 500 metres from the installations and devices, measured from any point on their outer edge. The construction of any such installations and devices and of the establishment of safety zones shall be announced in the "Notices to Navigators" of the Hydrographic Department of the Ministry of Defence of the USSR.

These installations or devices and the safety zones around them shall not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

Such installations and devices and the safety zones around them shall be under the jurisdiction of the Union of Soviet Socialist Republics.

Foreign ships may enter the safety zones only with the special permission of the competent Soviet authorities.

The organization responsible for the maintenance and operation of such installations and devices shall be obliged to protect them, to maintain permanent means for giving warning of their presence and to undertake, in the safety zones, measures for the protection of the living resources of the sea from harmful agents. Any installations or devices which are permanently disused must be entirely removed.

5. Foreign physical and juridical persons shall be prohibited from surveying, exploring or exploiting the natural resources or carrying on any other activity on the continental shelf of the USSR unless such activity is specifically provided for by an agreement between the USSR and the foreign State concerned or by special permission granted by the competent authorities of the USSR.

6. Persons guilty of violating this Decree may be sentenced by a court to a fine of up to 10,000 roubles or imprisonment for up to one year or both, unless the legislation of the Union of Soviet Socialist Republics and the union republics provides a stricter punishment for the violation in question.

7. If article 5 of this Decree is violated, the vessel and all the instruments and tools used by the person committing the violation and anything which has been obtained illegally shall be liable to confiscation.

8. The task of protecting the natural resources of the continental shelf of the USSR shall be the responsibility of the fisheries supervision bodies which, in performing their duties, shall be guided by the current legislation of the Union of Soviet Socialist Republics and the union republics, and by agreements of the Union of Soviet Socialist Republics and the union republics with other States.

Where necessary, border guards shall assist the above-mentioned bodies in taking action to protect the natural resources of the continental shelf of the USSR.

9. The task of checking that the mineral and other non-living resources of the continental shelf of the USSR are being properly exploited shall be the responsibility of the organs of the State Inspectorate of Mine Engineering of the USSR, which shall be guided by the current regulations, instructions and other regulatory enactments designed to protect the country's mineral wealth.

**(b) RESOLUTION NO. 564 OF 18 JULY 1969 OF THE COUNCIL OF MINISTERS OF THE USSR CONCERNING THE PROCEDURE FOR CARRYING OUT WORK ON THE CONTINENTAL SHELF AND THE PROTECTION OF ITS NATURAL RESOURCES\*\***

In accordance with the Decree of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics dated 6 February 1968, entitled "On the continental shelf of the USSR", and with a view to ensuring the rational utilization of the natural resources of the continental shelf of the USSR, the Council of Ministers of the Union of Soviet Socialist Republics has resolved that:

1. The study, exploration and exploitation of the natural resources of the continental shelf of the USSR shall be permitted after registration according to the procedure prescribed by the present Resolution.

Registration shall be required in the case of operations concerned with the study, exploration and exploitation of natural resources of the continental shelf of the USSR if such operations are to be carried out on the sea-bed or in the subsoil of the submarine areas adjacent to the outer limit of the territorial sea of the USSR

to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the aforementioned operations being carried out, and also on the sea-bed or in the subsoil of depressions entirely surrounded by the continental shelf of the USSR, irrespective of their depth, save as otherwise provided in an international agreement to which the USSR is a party.

2. The registration of operations concerned with the study, exploration and exploitation of natural resources of the continental shelf of the USSR shall be effected:

(a) By the authorities of the Ministry of Geology of the USSR, in the case of study and exploration of mineral and other non-living resources of the continental shelf;

(b) By those authorities of the State Mining Inspectorate of the USSR responsible for issuing mining concessions, in the case of exploitation of mineral and other non-living resources of the continental shelf;

(c) By the fishery conservation authorities of the Ministry of Fisheries of the USSR in the case of study, exploration and the taking, on the continental shelf, of living organisms belonging to sedentary species.

The procedure for the registration of operations carried out on the continental shelf of the USSR shall be established by the Ministries and departments effecting such registration, in consultation with the Ministry of Defence of the USSR, the State Security Committee of the Council of Ministers of the USSR, and the Ministry of Fisheries of the USSR.

Compliance with the requirements of the present section shall not dispense foreign bodies corporate and individuals or Soviet organizations from the obligation to obtain the appropriate permit for the execution of work in cases where the obtaining of such a permit is prescribed by the legislation in force.

3. Permits for the construction of installations and other devices on the continental shelf of the USSR for the purposes of study, exploration and exploitation of its natural resources and permits for the establishment of safety zones around such installations and devices shall be issued by the Ministry of Defence of the USSR in accordance with regulations established by the said Ministry in consultation with the State Security Committee of the Council of Ministers of the USSR, the Ministry of Foreign Affairs of the USSR, the Ministry of the Merchant Marine, the Ministry of Fisheries of the USSR, the Ministry of Geology of the USSR, the State Mining Inspectorate of the USSR and the Ministry of Reclamation and Water Resources Management of the USSR.

Permits for foreign vessels to enter the safety zones shall be issued by the Ministries and departments engaged in operations on the continental shelf of the USSR, in consultation with the Ministry of Defence of the USSR and the State Security Committee of the Council of Ministers of the USSR.

4. The construction of installations and other devices on the continental shelf of the USSR, and the maintenance, operation, protection and dismantling thereof, shall be carried out in accordance with regulations established by the Ministries and departments engaged in the exploration and exploitation of the natural resources of the continental shelf, in consultation with the Ministry of Defence of the USSR, the State Security Committee of the Council of Ministers of the USSR, the Ministry of Fisheries of the USSR, the State Mining Inspectorate

of the USSR and the Ministry of Reclamation and Water Resources Management of the USSR.

Regulations governing the establishment of safety zones and navigation procedures within such zones shall be established by the Ministry of Defence of the USSR.

5. Organizations and persons carrying out work on the continental shelf of the USSR shall be required to utilize the natural resources of the continental shelf in a rational manner, prevent the continental shelf and the superjacent waters from being polluted by industrial or other commercial refuse, sewage, radioactive substances or industrial waste, and take measures for protecting plant and animal life.

6. Operations on the continental shelf of the USSR must be carried out in compliance with:

(a) The regulations governing the study and exploration of the mineral and other non-living resources of the continental shelf, established by the Ministry of Geology of the USSR in consultation with the Ministry of Fisheries of the USSR;

(b) The safety regulations governing the execution of work on the continental shelf and the regulations governing the exploitation and protection of the mineral and other non-living resources of the continental shelf, established by the State Mining Inspectorate of the USSR in consultation with the Ministry of Fisheries of the USSR and the other Ministries and departments concerned;

(c) The regulations governing the study and exploration, and the taking and protection, on the continental shelf, of living organisms belonging to sedentary species, established by the Ministry of Fisheries of the USSR.

...

#### 45. UNITED KINGDOM

##### (a) CONTINENTAL SHELF ACT 1964 (1964 Chapter 29; 15 April 1964)

##### 1. *Exploration and exploitation of continental shelf*

(1) Any rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources, except so far as they are exercisable in relation to coal, are hereby vested in Her Majesty.

(2) In relation to any coal with respect to which those rights are exercisable the Coal Industry Nationalisation Act 1946 shall apply as it applies in relation to coal in Great Britain, but with the modification that the National Coal Board shall not engage in any operations for the purpose of working or getting the coal without the consent of the Minister of Power, which may be given on such terms and subject to such conditions as he thinks fit.

(3) In relation to any petroleum with respect to which those rights are exercisable sections 2 and 6 of the Petroleum (Production) Act 1934 (which relate to the granting of licences to search and bore for, and get, petroleum) shall apply as they apply in

relation to petroleum in Great Britain, and section 3 of that Act (which enables persons holding licences under that Act to acquire ancillary rights) and section 5 of that Act (which makes provision as to receipts and expenditure under that Act) shall have effect as if this subsection were part of that Act.

...

(7) Her Majesty may from time to time by Order in Council designate any area as an area within which the rights mentioned in subsection (1) of this section are exercisable, and any area so designated is in this Act referred to as a designated area.

...

## 2. *Protection of installations in designated areas*

(1) The Minister of Power may for the purpose of protecting any installation in a designated area by order made by statutory instrument prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.

...

## 3. *Application of criminal and civil law*

(1) Any act or omission which—

(a) takes place on, under or above an installation in a designated area or any waters within five hundred metres of such an installation; and

(b) would, if taking place in any part of the United Kingdom, constitute an offence under the law in force in that part, shall be treated for the purposes of that law as taking place in that part.

...

## 4. *Safety of navigation*

(1) Part II of the Coast Protection Act 1949 (which requires the consent of the Minister of Transport to the carrying out of certain works on the sea-shore if obstruction or danger to navigation is likely to result) except section 34(1)(b) (which restricts the deposit of materials) shall apply in relation to any part of the sea-bed in a designated area as it applies in relation to the sea-shore; and section 46 of that Act (local inquiries) shall extend to any matter arising under this section)

## 5. *Discharge of oil*

(1) If any oil to which section 1 of the Oil in Navigable Waters Act 1955 applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of the sea—

(a) from a pipe-line; or

(b) (otherwise than from a ship) as the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from



a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

...

#### 8. *Submarine cables and pipe-lines*

(1) Section 3 (punishment for damaging cables) of the Submarine Telegraph Act 1885 and Article IV and paragraph 1 of Article VII (liability to pay compensation for damage to cables and for loss of gear sacrificed to avoid such damage) of the Convention set out in the Schedule to that Act (which by virtue of section 2 thereof has the force of law) shall apply in relation to all submarine cables under the high seas (and not only to those to which that Convention applies) and to pipe-lines under the high seas; and the said section 3 shall be construed as referring to telephonic as well as telegraphic communication, and, in relation to high-voltage power cables and to pipe-lines, as if the words from "in such manner" to the end of subsection (1) were omitted.

...

#### 9. *Use and supply of gas*

(1) The following provisions of this section shall have effect with respect to the use and supply of any natural gas gotten in pursuance of a licence under the Petroleum (Production) Act 1934 as applied by section 1(3) of this Act, and section 52 of the Gas Act 1948 shall not apply to any such gas.

(2) The holder of the licence shall not without the consent of the Minister of Power use the gas in Great Britain and no person shall without that consent supply the gas to any other person at premises in Great Britain.

...

#### 11. *Prosecution of offences, etc.*

(1) Proceedings for any offence under this Act (including an offence under another Act as applied by or under this Act and anything that is an offence by virtue of section 3(1) of this Act) may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

#### (b) CONTINENTAL SHELF (DESIGNATION OF AREAS) ORDER 1964<sup>1</sup> (12 MAY 1964)

...

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the area bounded:

<sup>1</sup> *Statutory Instruments* 1964, No. 697.

(a) on the East by lines joining the following co-ordinates

- |                               |                         |
|-------------------------------|-------------------------|
| (1) 61° 00'N: 1° 48'E;        | (2) 59° 40'N: 1° 48'E;  |
| (3) 59° 40'N: 1° 36'E;        | (4) 59° 20'N: 1° 36'E;  |
| (5) 59° 20'N: 1° 24'E;        | (6) 58° 10'N: 1° 24'E;  |
| (7) 58° 10'N: 1° 36'E;        | (8) 58° 00'N: 1° 36'E;  |
| (9) 58° 00'N: 1° 48'E;        | (10) 57° 40'N: 1° 48'E; |
| (11) 57° 40'N: 2° 00'E;       | (12) 57° 20'N: 2° 00'E; |
| (13) 57° 20'N: 2° 12'E;       | (14) 56° 50'N: 2° 12'E; |
| (15) 56° 50'N: 2° 24'E;       | (16) 56° 30'N: 2° 24'E; |
| (17) 56° 30'N: 2° 36'E;       | (18) 56° 20'N: 2° 36'E; |
| (19) 56° 20'N: 2° 48'E;       | (20) 56° 10'N: 2° 48'E; |
| (21) 56° 10'N: 3° 00'E;       | (22) 56° 00'N: 3° 00'E; |
| (23) 56° 00'N: 3° 12'E;       | (24) 55° 40'N: 3° 12'E; |
| (25) 55° 40'N: 3° 00'E;       | (26) 55° 10'N: 3° 00'E; |
| (27) 55° 10'N: 2° 48'E;       | (28) 54° 40'N: 2° 48'E; |
| (29) 54° 40'N: 2° 36'E;       | (30) 53° 50'N: 2° 36'E; |
| (31) 53° 50'N: 2° 48'E;       | (32) 53° 10'N: 2° 48'E; |
| (33) 53° 10'N: 3° 00'E;       | (34) 52° 30'N: 3° 00'E; |
| (35) 52° 30'N: 2° 48'E;       | (36) 52° 20'N: 2° 48'E; |
| (37) 52° 20'N: 2° 36'E;       | (38) 52° 10'N: 2° 36'E; |
| (39) 52° 10'N: 2° 24'E;       | (40) 51° 50'N: 2° 24'E; |
| (41) 51° 50'N: 2° 00'E;       | (42) 51° 30'N: 2° 00'E; |
| (43) 51° 30'N: 1° 48'E;       | (44) 51° 20'N: 1° 48'E; |
| (45) 51° 20'N: 1° 36'E;       | (46) 51° 10'N: 1° 36'E; |
| (47) 51° 10'N: 1° 29.2'E; and |                         |

(b) on the West by the seaward limit of the territorial waters off the East coasts of England and Scotland as far as (48) 58° 40' N: 2° 47.7' W, and then by lines joining the co-ordinates

- |                         |                         |
|-------------------------|-------------------------|
| (49) 58° 40'N: 2° 12'W; | (50) 59° 20'N: 2° 12'W; |
| (51) 59° 20'N: 1° 24'W; | (52) 59° 30'N: 1° 24'W; |
| (53) 59° 30'N: 1° 00'W; | (54) 60° 00'N: 1° 00'W; |
| (55) 60° 00'N: 0° 36'W; | (56) 61° 00'N: 0° 36'W; |
| (57) 61° 00'N: 1° 48'E. |                         |

(c) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS) ORDER<sup>1</sup> 1965 (1965 No. 1531; 3 August 1965)

...

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the areas defined in the Schedule to this Order.

#### SCHEDULE

The following are the areas to which Article 2 of this Order applies:

(1) The area within a line:

(a) commencing at the co-ordinates numbered (1) in Article 2 of the Continental Shelf (Designation of Areas) Order, 1964;

<sup>1</sup> *Statutory Instruments* 1965, No. 1531.

(b) joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (1) 61° 00' 00" N; 1° 51' 44" E;  | (2) 59° 53' 48" N; 2° 04' 36" E;  |
| (3) 59° 17' 24" N; 1° 42' 42" E;  | (4) 58° 25' 48" N; 1° 29' 00" E;  |
| (5) 57° 54' 18" N; 1° 57' 54" E;  | (6) 56° 35' 42" N; 2° 36' 48" E;  |
| (7) 56° 05' 12" N; 3° 15' 00" E;  | (8) 55° 50' 06" N; 3° 24' 00" E;  |
| (9) 54° 37' 18" N; 2° 53' 54" E;  | (10) 54° 22' 48" N; 2° 45' 48" E; |
| (11) 53° 57' 48" N; 2° 52' 00" E; | (12) 53° 40' 06" N; 2° 57' 24" E; |
| (13) 53° 35' 06" N; 2° 59' 18" E; | (14) 53° 28' 12" N; 3° 01' 00" E; |
| (15) 53° 18' 06" N; 3° 03' 24" E; | (16) 52° 53' 00" N; 3° 10' 30" E; |
| (17) 52° 47' 00" N; 3° 12' 18" E; | (18) 52° 37' 18" N; 3° 11' 00" E; |
| (19) 52° 25' 00" N; 3° 03' 30" E; | (20) 52° 17' 24" N; 2° 56' 00" E; |
| (21) 52° 12' 24" N; 2° 50' 24" E; | (22) 52° 06' 00" N; 2° 42' 54" E; |
| (23) 52° 05' 18" N; 2° 42' 12" E; | (24) 52° 01' 00" N; 2° 39' 30" E; |
| (25) 51° 59' 00" N; 2° 37' 36" E; | (26) 51° 50' 00" N; 2° 30' 20" E; |
- and

(c) ending at the co-ordinates numbered (40) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964;

(2) The areas bounded:

(a)(i) on the North by the seaward limit of the territorial waters off the South coast of England and

(ii) on the South by lines joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (27) 51° 04' 59" N; 1° 24' 00" E; | (28) 51° 00' 00" N; 1° 24' 00" E; |
| (29) 51° 00' 00" N; 1° 12' 00" E; | (30) 50° 50' 00" N; 1° 12' 00" E; |
| (31) 50° 50' 00" N; 1° 00' 00" E; | (32) 50° 40' 00" N; 1° 00' 00" E; |
| (33) 50° 40' 00" N; 0° 48' 00" E; | (34) 50° 30' 00" N; 0° 48' 00" E; |
| (35) 50° 30' 00" N; 2° 22' 13" W; | and                               |

(b)(i) on the North by the seaward limit of the territorial waters off the South coast of England, and

(ii) on the South by a line joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (36) 50° 30' 00" N; 2° 31' 59" W; | (37) 50° 30' 00" N; 3° 25' 28" W; |
|-----------------------------------|-----------------------------------|

(3) The area bounded:

(a) on the East by the seaward limit of the territorial waters off the West coasts of Scotland and England;

(b) on the West by lines joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (38) 53° 20' 00" N; 4° 46' 13" W; | (39) 53° 20' 00" N; 5° 00' 00" W; |
| (40) 54° 37' 00" N; 5° 00' 00" W; |                                   |

(4) The area within a line:

(a) commencing at the co-ordinates numbered (48) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964;

(b) following the seaward limit of the territorial waters off the Orkney Islands and the North coast of Scotland;

(c) joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (41) 58° 41' 06" N: 5° 00' 00" W; | (42) 60° 10' 00" N: 5° 00' 00" W; |
| (43) 60° 10' 00" N: 4° 24' 00" W; | (44) 60° 20' 00" N: 4° 24' 00" W; |
| (45) 60° 20' 00" N: 4° 00' 00" W; | (46) 61° 00' 00" N: 4° 00' 00" W; |
| (47) 61° 00' 00" N: 2° 00' 00" W; | (48) 61° 40' 00" N: 2° 00' 00" W; |
| (49) 61° 40' 00" N: 1° 36' 10" E; | (50) 61° 21' 24" N: 1° 47' 24" E; |
| (51) 61° 00' 00" N: 1° 51' 44" E; | and                               |

(d) ending at the co-ordinates numbered (57) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964.

(d) PETROLEUM (PRODUCTION) (CONTINENTAL SHELF AND TERRITORIAL SEA) REGULATIONS<sup>1</sup> 1964 (1964 No. 708; 15 MAY 1964)\*

(e) PETROLEUM (PRODUCTION) REGULATIONS 1966<sup>2</sup> (1966 No. 898; 21 JULY 1966)

...

### 3. *Application of the Regulations*

(1) These Regulations shall have effect in relation to applications for, and the model clauses to be prescribed for inclusion, unless the Minister thinks fit to modify or exclude them in any particular case, in, licences to search and bore for, and get, petroleum—

(a) in strata in the areas of Great Britain and waters adjacent thereto which lie on the landward side of lines drawn in accordance with the provisions of Schedule 1 to these regulations (in these regulations referred to as "landward areas"); and

(b) in strata in the islands on the seaward side of the said lines, in the sea-bed and subsoil of waters which lie on the seaward side of the said lines and, where such lines are not the outward limit of territorial waters adjacent to Great Britain, within that limit, and in the sea-bed and subsoil of any designated area (in these regulations referred to as "seaward areas").

...

(3) The provisions of the Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations 1964(d) shall cease to have effect in relation to applications for, or model clauses to be incorporated in, any licence to be granted after the date of coming into force of these regulations to search and bore for and get petroleum.

### 4. *Applicants for licences*

Persons who are citizens of the United Kingdom and Colonies and are resident in the United Kingdom or who are bodies corporate incorporated in the United Kingdom may apply in accordance with these Regulations for—

<sup>1</sup> *Statutory Instruments* 1964, No. 708. See section 3(3) of Petroleum (Production) Regulations 1966, *infra* (e).

<sup>2</sup> *Ibid.*, 1966, No. 898. Made on 21 July 1966, came into operation on 8 August 1966.

- (a) a production licence which may be in respect of a landward area or a seaward area;
- (b) an exploration licence in respect of the areas referred to in regulation 8;
- (c) a methane drainage licence.
- ...

#### SCHEDULE 1

##### *Lines Dividing Landward Areas from Seaward Areas*

1. Except as provided by the four next following paragraphs, the lines dividing the mainland of Great Britain and islands adjacent thereto (other than the Orkney and Shetland Islands) and the waters adjacent to the mainland and such islands to be treated for the purposes of these Regulations as landward areas from the islands and waters to be treated for such purposes as seaward areas shall be the low-water line along the coast of the mainland of Great Britain, the Isle of Wight, Anglesey and Holy Island.

2. The lines dividing landward areas from seaward areas at the estuaries, rivers, harbours, bays and other places specified in the first column of Table 1 of this Schedule shall be straight lines drawn between the pairs of points identified by the map references respectively specified in the second column of that Table, each such point being a point situate on low-water line on or adjacent to the feature respectively named in the third column of that Table.

3. The lines dividing landward areas from seaward areas between Cape Wrath and the Mull of Kintyre shall be a 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 map references specified in the first column of Table 2 of this Schedule, each such point being a point situate on low-water line on or adjacent to the feature, if any, named in the second column of that Table.

4. The lines dividing landward areas from seaward areas in the vicinity of the Pentland Firth and the Orkney Islands shall be a straight line drawn from the map reference point ND 310753, being a point situate on low-water line on or adjacent to the feature known as St. John's Point to the map reference point ND 289809 and thence a line following the outward limit of the territorial waters adjacent to the Orkney Islands in a clockwise direction to the map reference point ND 459711 and thence a straight line to the map reference point ND 407734, being a point situate on low-water line on or adjacent to the feature known as Duncansby Head.

5. Subject to the provisions of the last three foregoing paragraphs, the lines dividing landward areas from seaward areas at the mouths of rivers or estuaries shall be straight lines joining the points on the low-water lines either side of each such mouth.

6. The line dividing the Shetland Islands and the waters adjacent thereto to be treated for the purposes of these regulations as landward areas from the areas to be treated for such purposes as seaward areas shall be the line of the outward limit of the territorial waters adjacent to those islands:

Provided that Foula and Fair Isle and the territorial waters adjacent to them shall be treated as seaward areas.

7. In this Schedule the expression "low-water line" means the line so marked on the Ordnance Survey maps on a scale of 1:25,000 in the edition for the areas to which they respectively relate last published prior to the date on which these Regulations are made, and any reference to a map reference point shall be construed as a reference to a point having that map reference on the National Grid for those Ordnance Survey maps.

*Table 1*  
Points at Mouths of Specified Estuaries and other  
Indentations of the Coast

	<i>Name of estuary or other indentation</i>	<i>National Grid Reference</i>	<i>Name of Feature</i>
1.	Firth of Clyde	NR 716074	Cove Point
		NR 718046	Sanda Island (Black Point)
		NR 725037	Sanda Island Lighthouse
		NX 962695	Laggan Hill
2.	Wigtown Bay	NX 494464	Eggerness Point
		NX 545512	Ringdoo Point
3.	Solway Firth	NX 653432	Fox Craig (Meikle Ross)
		NX 943134	St. Bees Head
4.	Duddon Sands	SD 130762	Haverigg Point
		SD 168685	Mill Scar
5.	Morecambe Bay	SD 219613	Hilpsford Point
		SD 309483	Rossall Point
6.	River Ribble	SD 298317	Crusader Bank
		SD 274205	Horse Bank
7.	Liverpool Bay	SD 263053	Formby Point
		SJ 132856	Point of Ayr
8.	Beaumaris Bay	SH 737788	Penmaenbach Point
		SH 641815	Trwyn Du
9.	Holyhead Harbour	SH 280849	Twyn Cliperau
		SH 257847	Breakwater Head
10.	Cymyran Bay	SH 294750	Traeth Llydan
		SH 297748	Traeth Cymyran
11.	Llanddwyn Bay	SH 386623	Llanddwyn Island
		SH 429585	Morfa Dinlleu
12.	Milford Haven	SM 819036	West Blockhouse Point
		SM 840027	Rat Island
13.	Carmarthen Bay	SN 310060	Laugharne Sands
		SS 397926	Burry Holms
14.	Bristol Channel	ST 311809	West Usk Lighthouse
		ST 306627	Birnbeck Island
15.	Padstow Bay	SW 925784	Shag Rock
		SW 915785	Stepper Point
16.	Falmouth Harbour	SW 827315	Pendennis Point
		SW 845311	St. Anthony Head
17.	Plymouth Sound	SX 443486	Penlee Point
		SX 490486	Renney Rocks
18.	Salcombe River	SX 725359	Bolt Head
		SX 766355	Gammon Head

	<i>Name of estuary or other indentation</i>	<i>National Grid Reference</i>	<i>Name of Feature</i>
19.	Solent (west side)	SZ 319897	Hurst Castle
		SZ 292849	Needles Point
20.	Solent (east side)	SZ 663876	Foreland
		SZ 684990	Fort Cumberland (Eastney Point)
21.	Thames Estuary	TR 227694	Reculver
		TM 174142	Clacton-on-Sea
22.	Harwich Harbour	TM 268244	The Naze
		TM 283311	Landguard Point
23.	The Wash	TF 700453	Gore Point
		TF 565571	Gibraltar Point
24.	River Humber	TA 375050	Northcoates Point
		TA 397104	Spurn Head
25.	Holy Island Harbour (Lindisfarne)	NU 141402	Parton Shiel
		NU 141415	Castle Point
26.	Firth of Forth	NT 496864	Eyebroughy
		NT 496993	Elie Ness
27.	Firth of Tay	NO 538159	Kinkell Ness
		NO 546303	Buddon Ness
28.	Moray Firth	NH 807587	Whiteness Head
		NH 812670	Sutors Stacks
		NH 812670	Sutors Stacks
		NH 813686	North Sutor
29.	Dornoch Firth	NH 814858	Whiteness
		NH 809871	Dornoch Point
30.	Tongue Bay	NC 641638	Port an-t Srathain
		NC 572663	Gcodh' an Fhuarain
31.	Loch Eriboll	NC 502687	Whiten Head
		NC 392719	Faraid Head
32.	Kyle of Durness	NC 392719	Faraid Head
		NC 349717	A'Ghoil

Table 2

## Points between Cape Wrath and the Mull of Kintyre

	<i>National Grid Reference</i>	<i>Name of Feature</i>
1.	NC 257748	Cape Wrath
2.	NB 519669	Lith Sgeir
3.	NB 472634	Dell Rock
4.	NB 186451	Tiumpan
5.	NB 142442	Mas Sgeir
6.	NB 115435	Stac nam Balg
7.	NB 048399	Sgeir Gallan

	<i>National Grid Reference</i>	<i>Name of Feature</i>
8.	NB 036382	Gallan Beag
9.	NA 993324	Eilean Molach
10.	NA 873118	Gasker
11.	NF 594809	Haskeir Eagach
12.	NF 572646	Huskeiran
13.	NF 707301	Rudha Ardvule
14.	NF 646049	Greian Head
15.	NL 620988	—
16.	NL 614979	Ard a' Chaolais
17.	NL 606963	Biruaslum
18.	NL 549843	Guarsay Mor
19.	NL 542819	Sron an Duin
20.	NL 546803	Skate Point
21.	NL 840262	Skerryvore
22.	NM 121031	Dubh Artach
23.	NR 151538	Frenchman's Rocks
24.	NR 162510	An Coire
25.	NR 268414	Mull of Oa
26.	NR 589071	Mull of Kintyre

...

## SCHEDULE 4

*Model Clauses for Production Licences in Seaward Areas<sup>1</sup>*

...

12. *Working obligations*

The Licensee shall during the term hereby granted carry out with due diligence the scheme of prospecting and development including any geological survey by any physical or chemical means or programme of test drilling or any of them set out in Schedule 3 to this Licence.

...

15. *Provision of storage tanks pipes pipe-lines or other receptacles*

The Licensee shall use methods and practice customarily used in good oilfield practice for confining the petroleum obtained from the licensed area in tanks gas-holders pipes pipe-lines or other receptacles constructed for that purpose.

16. *Avoidance of harmful methods of working*

(1) The Licensee shall maintain all apparatus and appliances and all wells in the licensed area which have not been abandoned and plugged as provided by

<sup>1</sup> Identical or similar clauses are contained in *Schedule 3, Model Clauses for Production Licences in Landward Areas*: clauses no. 12 (Working obligations), no. 15 (Provision of storage tank pipes, pipe-lines or other receptacles), no. 16 (Avoidance of harmful methods of working), no. 17 (Fishing and navigation).



Clause 13 thereof (the marginal note whereof is "Commencement and abandonment and plugging of wells") in good repair and condition and shall execute all operations in or in connection with the licensed area in a proper and workmanlike manner in accordance with methods and practice customarily used in good oilfield practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order—

(a) to control the flow and to prevent the escape or waste of petroleum discovered in or obtained from the licensed area;

(b) to conserve the licensed area for productive operations;

(c) to prevent damage to adjoining petroleum bearing strata;

(d) to prevent the entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery; and

(e) to prevent the escape of petroleum into any waters in or in the vicinity of the licensed area.

...

### 17. *Fishing and navigation*

The Licensee shall not carry out any operations authorised by this Licence in or about the licensed area in such manner as to interfere unjustifiably with navigation or fishing in the waters of the licensed area or with the conservation of the living resources of the sea.

...

## SCHEDULE 5

### *Model Clauses for Exploration Licences*<sup>1</sup>

...

### 3. *Prospecting methods*

The right to search for petroleum conferred by this Licence shall include prospecting and carrying out geological surveys by physical or chemical means and drilling for the purpose of obtaining geological information about strata in the exploration area but shall not include any right to get petroleum or any right to drill wells for production of petroleum or any other well of a depth exceeding three hundred and fifty metres below the surface of the sea-bed or such greater depth as the Minister may from time to time approve either generally or in relation to a particular well or in relation to a class of wells to which that well belongs.

(f) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 1) ORDER<sup>2</sup> 1967  
(1967 No. 655; 22 APRIL 1967)

...

2.—(1) In this Order the expression "prohibited area" means an area specified in the Schedule to this Order, being part of the area designated by the Continental Shelf (Designated of Areas) Order 1964.

<sup>1</sup> Clauses nos. 9 and 10 are identical with clauses nos. 16 and 17, respectively, or of *Model Clauses for Production Licences in Seaward Areas*, see *supra*.

<sup>2</sup> *Statutory Instruments* 1967, No. 655. The Order came into operation on 15 May 1967.

3.—(1) Except as provided in the next following paragraph, ships are prohibited from entering a prohibited area without the consent of the Minister of Power.

(2) The prohibition contained in the foregoing paragraph does not apply, in relation to a prohibited area, to a ship—

(a) engaged or about to be engaged in the repair of any submarine cable in or adjacent to that prohibited area;

(b) engaged in

(i) services for,

(ii) inspection under the authority of a Government Department of, or

(iii) the transport of goods to or from  
an installation in that prohibited area;

(c) carrying out movements with a view to saving or attempting to save life or property at sea;

(d) which enters that prohibited area owing to stress of weather; or

(e) in distress.

#### THE SCHEDULE

1. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 42' 12" North, Longitude 01° 09' 00" East (E.D. (1950)) or Latitude 53° 42' 08" North, Longitude 01° 09' 01" East (O.S.G.B. (1936)).

2. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 43' 09" North, Longitude 01° 07' 09" East (E.D. (1950)) or Latitude 53° 43' 05" North, Longitude 01° 07' 10" East (O.S.G.B. (1936)).

3. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 42' 23" North, Longitude 01° 07' 17" East (E.D. (1950)) or Latitude 53° 42' 19" North, Longitude 01° 07' 18" East (O.S.G.B. (1936)).

(g) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 2) ORDER<sup>1</sup> 1968  
(1968 No. 323; 5 MARCH 1968)

...

2.—(1) In this Order the expression "specified area" means an area described in the Schedule to this Order, being part of the area designated by the Continental Shelf (Designation of Areas) Order 1964.

3.<sup>2</sup>

#### THE SCHEDULE

1. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 52° 59' 58" North,

<sup>1</sup> *Statutory Instruments* 1968, No. 323. Came into operation on 1 April 1968.

<sup>2</sup> This section is identical with section 3 of Continental Shelf (Protection Installations) (No. 1) Order 1967, see *supra* (e).

Longitude 01° 50' 52" East (E.D. (1950)) or Latitude 52° 59' 54" North, Longitude 01° 50' 54" East (O.S.G.B. (1936)).

2. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 05' 23" North, Longitude 02° 07' 48" East (E.D. (1950)) or Latitude 53° 05' 19" North, Longitude 02° 07' 50" East (O.S.G.B. (1936)).

3. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 03' 18" North, Longitude 02° 13' 58" East (E.D. (1950)) or Latitude 53° 03' 14" North, Longitude 02° 13' 59" East (O.S.G.B. (1936)).

(h) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS) ORDER<sup>1</sup> 1968 (1968 No. 891; 1 JUNE 1968)

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the area defined in the Schedule to this Order.

#### SCHEDULE

Article 2 of this Order applies to the area bounded:—

(a) on the North and East by a line starting at the following co-ordinates on European Datum:

(1) 55° 20' 26" N; 6° 00' 00" W, and thence following the seaward limit of the territorial waters off the west coast of Scotland to the co-ordinates numbered (40) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965, and by a line joining the co-ordinates numbered (40), (39) and (38) in the aforesaid Schedule and thence following the seaward limits of the territorial waters off the west coast of England to latitude 50° North;

(b) on the South by a line joining the following co-ordinates on European Datum:

(2) 50° 00' 00" N; 5° 44' 23" W (3) 50° 00' 00" N; 6° 10' 54" W; thence following the seaward limit of the territorial waters north of the Isles of Scilly and by a line joining the following co-ordinates on European Datum:

(4) 50° 00' 00" N; 6° 25' 53" W (5) 50° 00' 00" N; 7° 00' 00" W;

(c) on the West by lines joining the following co-ordinates on European Datum:

(5) 50° 00' 00" N; 7° 00' 00" W;	(6) 50° 50' 00" N; 7° 00' 00" W;
(7) 50° 50' 00" N; 6° 48' 00" W;	(8) 51° 00' 00" N; 6° 48' 00" W;
(9) 51° 00' 00" N; 6° 36' 00" W;	(10) 51° 20' 00" N; 6° 36' 00" W;
(11) 51° 20' 00" N; 6° 24' 00" W;	(12) 51° 30' 00" N; 6° 24' 00" W;
(13) 51° 30' 00" N; 6° 12' 00" W;	(14) 51° 40' 00" N; 6° 12' 00" W;
(15) 51° 40' 00" N; 6° 00' 00" W;	(16) 51° 50' 00" N; 6° 00' 00" W;
(17) 51° 50' 00" N; 5° 48' 00" W;	(18) 52° 00' 00" N; 5° 48' 00" W;
(19) 52° 00' 00" N; 5° 36' 00" W;	(20) 52° 10' 00" N; 5° 36' 00" W;
(21) 52° 10' 00" N; 5° 24' 00" W;	(22) 52° 20' 00" N; 5° 24' 00" W;
(23) 52° 20' 00" N; 5° 12' 00" W;	(24) 54° 00' 00" N; 5° 12' 00" W;
(25) 54° 00' 00" N; 5° 57' 28" W;	

<sup>1</sup> *Statutory Instruments* 1968, No. 891.

and thence following the seaward limit of territorial waters off the east coast of Northern Ireland to the following co-ordinates on European Datum:

(26) 55° 14' 08" N: 6° 00' 00" W

and thence following the meridian of 6° W longitude to co-ordinates No. 1 in this Schedule.

(i) CONTINENTAL SHELF (JURISDICTION) ORDER<sup>1</sup> 1968 (1968 No. 892; 7 JUNE 1968)

1. *Interpretation*

...

(3) In this Order—

“the Act” means the Continental Shelf Act 1964;

“co-ordinate” means a co-ordinate on European datum;

“the first designated area” means the area designated by the Continental Shelf (Designation of Areas) Order 1964; “the second designated area” means the area described in paragraph (1) of the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965; “the third designated area” means the area described in paragraph (2)(a) of that Schedule; “the fourth designated area” means the area described in paragraph (2)(b) of that Schedule; “the fifth designated area” means the area described in paragraph (3) of that Schedule; “the sixth designated area” means the area described in paragraph (4) of that Schedule; and “the seventh designated area” means the area designated by the Continental Shelf (Designation of Additional Areas) Order 1968; and a reference to a designated area shall include a reference to any of these areas.

“the Scottish border” means, in relation to the first and second designated areas, latitude 55° 50' N.; in relation to the fifth designated area, a line joining the following co-ordinates:—

(1) 54° 30' 00" N.: 5° 00' 00" W.;

(2) 54° 30' 00" N.: 4° 05' 29" W.;

(3) 54° 36' 03" N.: 3° 55' 14" W.;

and, in relation to the seventh designated area, latitude 54° 30' N.;

“the Northern Irish border” means in relation to the seventh designated area, a line joining the following co-ordinates:—

(1) 55° 20' N.: 6° 00' W.;

(2) 55° 10' N.: 5° 48' W.;

(3) 55° 00' N.: 5° 36' W.;

(4) 54° 50' N.: 5° 24' W.;

(5) 54° 40' N.: 5° 12' W.;

(6) 54° 30' N.: 5° 00' W.;

(7) 54° 20' N.: 5° 00' W.;

(8) 54° 10' N.: 5° 12' W.;

(9) 54° 00' N.: 5° 24' W.;...

<sup>1</sup> *Ibid.*, No. 892. Came into operation on 1 July 1968. By the Order, the Continental Shelf (Jurisdiction) Order 1965 (*Statutory Instruments* 1965 No. 1881 of 29 October 1965) has been revoked.

“the English area” means the areas included in the third and fourth designated areas, those parts of the first, second and fifth designated areas which lie south of the Scottish border and that part of the seventh designated area which lies south of the Scottish and east of the Northern Irish border;

“the Scottish area” means the areas included in the sixth designated area, those parts of the first, second and fifth designated areas which lie north of the Scottish border and that part of the seventh designated area which lies north of the Scottish and east of the Northern Irish border;

“the Northern Irish area” means that part of the seventh designated area which lies west of the Northern Irish border.

## 2. *Application of English, Scottish and Northern Irish law*

Subject to section 3(1) of the Act, the law in force in England shall apply for the determination of questions to which section 3(2) of the Act refers arising out of acts or omissions taking place in the English area; the law in force in Scotland shall apply for the determination of such questions arising out of acts or omissions taking place in the Scottish area; and the law in force in Northern Ireland shall apply for the determination of such questions arising out of acts or omissions taking place in the Northern Irish area.

## 3. *Jurisdiction*

The High Court shall have such jurisdiction for the determination of any questions to which section 3(2) of the Act refers and which, under the last foregoing Article, fall to be determined in accordance with the law in force in England, as it would have if the acts or omissions in question had taken place in England; the Court of Session shall have such jurisdiction for the determination of any such questions so falling to be determined in accordance with the law in force in Scotland, as it would have if the acts or omissions in question had taken place in Scotland; and Her Majesty's High Court of Justice in Northern Ireland shall have such jurisdiction for the determination of any such questions so falling to be determined in accordance with the law in force in Northern Ireland, as it would have if the acts or omissions in question had taken place in Northern Ireland.

## 4. *Application of Wireless Telegraphy Act 1949 and the Radioactive Substances Act 1960*

For the purposes of the Wireless Telegraphy Act 1949, the Radioactive Substances Act 1960 and any regulations or orders made under either of those Acts (subject, however, in the case of any such regulations or orders made hereafter, to any contrary intention appearing therein) any installation in the English area and any waters in a designated area within 500 metres of such an installation (not being waters lying in the Scottish or Northern Irish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in England; any installation in the Scottish area and any such waters within 500 metres of such an installation (not being waters lying in the English or Northern Irish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in Scotland; and any installation in the Northern Irish area and any waters lying within 500 metres of such an installation (not being waters lying within the English or Scottish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in Northern Ireland.

## SEYCHELLES

(a) MINERALS ORDINANCE,<sup>1</sup> 1962 (No. 14 of 1962; 15 October 1962)

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires—

“continental shelf” means that part of the sea-bed and subsoil of the submarine areas adjacent to the islands forming part of the Colony of Seychelles but outside territorial waters, over which Her Majesty, in right of Her Government of Seychelles, is entitled by international law to exercise sovereign rights for the purpose of exploring it and exploiting its natural resources.

“land in Seychelles” includes land covered with water, the sea-bed and subsoil beneath the territorial waters and the continental shelf.

...

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

...

3. *Vesting of property in and control of minerals in Her Majesty*

The entire property in and control of all minerals in, under or upon any land in Seychelles or in all rivers or streams throughout Seychelles is hereby vested in Her Majesty and Her Majesty shall have the exclusive right of prospecting and mining for such minerals.

...

4. *Prohibition of prospecting or mining without authority*

(1) Except as in this Ordinance provided, no person shall prospect or mine in, under or upon any land in Seychelles, or divert or impound water for the purpose of mining operations.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding twelve months, or to both such fine and imprisonment, and the Court before which such person is convicted may order the forfeiture of all minerals obtained by such person or if such minerals cannot be forfeited, of such a sum as the Court shall assess as the value of such minerals. Any minerals so forfeited shall be sold or otherwise disposed of as the Governor may direct and the proceeds from the sale of any such minerals shall be paid into general revenue.

5. *Prospecting when lawful*

Prospecting shall be lawful under a prospecting right, an exclusive prospecting licence or a special exclusive prospecting licence granted by the Governor.

<sup>1</sup> *Supplement to Seychelles Gazette*, 15 October 1962.

6. *Mining when lawful*

Mining shall be lawful under a mining right, a mining lease or a special mining lease granted by the Governor.

...

10. *Ordinance not to apply to petroleum*

This Ordinance shall not apply to petroleum as defined in section 2 of this Ordinance.

(b) MINING (MINERAL OIL) ORDINANCE,<sup>1</sup> 1963 (No. 7 of 1963; 6 May 1963)

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires—

“continental shelf” means that part of the sea-bed and subsoil of the submarine areas adjacent to the islands forming part of the Colony of Seychelles but outside territorial waters, over which Her Majesty, in right of Her Government of Seychelles, is entitled by international law to exercise sovereign rights for the purpose of exploring it and exploiting its natural resources;

...

“land in Seychelles” includes land covered with water, the sea-bed and subsoil beneath the territorial waters and the continental shelf;

...

“minerals” does not include petroleum.

...

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

...

3. *Vesting of property in petroleum in Her Majesty*

The entire property in petroleum existing in its natural condition in strata, in or under any land in Seychelles is hereby vested in Her Majesty, and Her Majesty shall have the exclusive right of searching and boring for and getting such petroleum.

4. *Prohibition of searching for or winning petroleum without a licence or lease*

(1) No person shall explore, prospect or mine for, or win, any petroleum on, under or from any land in Seychelles, whether public or private, except under and in accordance with a licence or lease granted under the provisions of this Ordinance.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable, to a fine not exceeding five hundred

<sup>1</sup> *Ibid*, 6 May 1963.

rupees for each day during which the offence continues, and, in addition, all petroleum won in contravention of such provisions shall be forfeited to Her Majesty and shall be disposed of as the Governor may direct.

5. *Power of Governor to grant licences and leases*

(1) The Governor may if he thinks fit from time to time grant—

(a) exploration licences to explore for petroleum in, or under such land in Seychelles whether public or private, as may be specified therein;

(b) prospecting licences to prospect for, win and carry away petroleum on, under or from such land in Seychelles whether public or private, as may be specified therein;

(c) leases to explore for, prospect for, mine for, win and carry away petroleum on, under or from such land in Seychelles whether public or private, as may be specified therein.

...

## 46. UNITED STATES OF AMERICA

(a) SUBMERGED LANDS ACT, 22 MAY 1953, section 9<sup>1</sup>

(b) OUTER CONTINENTAL SHELF LANDS ACT,<sup>2</sup> 7 AUGUST 1953

### § 1331. *Definitions*

When used in this subchapter—

(a) The term “outer Continental Shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and sea-bed appertain to the United States and are subject to its jurisdiction and control;

### § 1332. *Congressional declaration of policy; jurisdiction; construction*

(a) It is declared to be the policy of the United States that the subsoil and sea-bed of the outer Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this subchapter

(b) This subchapter shall be construed in such manner that the character as high seas of the waters above the outer Continental Shelf and the right to navigation and fishing therein shall not be affected. (Aug. 7, 1953, ch. 345, § 3, 67 Stat. 462.)

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IX, 18 (a).

<sup>2</sup> “U.S. Code” (1964 Edition), Title 43, (Public Lands). Executive Order No. 9633, Reserving and Placing Certain Resources of the Continental Shelf under the Control and Jurisdiction of the Secretary of the Interior, 28 September 1945, reproduced in ST/LEG/SER.B/1, p. 41, has been repealed.



§ 1333. *Laws and regulations governing lands*

(a) *Constitution and United States laws; laws of adjacent States; publication of projected State lines; restriction on State taxation and jurisdiction*

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and sea-bed of the outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however*, That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State as of the effective date of this subchapter are declared to be the law of the United States for that portion of the subsoil and sea-bed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the sea-bed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

(b) *Jurisdiction of United States district courts*

The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and sea-bed of the outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose.

...

(c) *Coast Guard regulations; marking of islands and structures; offences and penalties*

(1) The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred to in subsection (a) of this section or on the waters adjacent thereto, as he may deem necessary.

(2) The head of the Department in which the Coast Guard is operating may mark for the protection of navigation any such island or structure whenever the owner has failed suitably to mark the same in accordance with regulations issued hereunder, and the owner shall pay the cost thereof. Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

*(f) Prevention of obstruction to navigation by Secretary of the Army*

The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is extended to artificial islands and fixed structures located on the outer Continental Shelf.

*(g) Provisions as non-exclusive*

The specific application by this section of certain provisions of law to the subsoil and sea-bed of the outer Continental Shelf and the artificial islands and fixed structures referred to in subsection (a) of this section or to acts or offenses occurring or committed thereon shall not give rise to any inference that the application to such islands and structures, acts, or offenses of any other provision of law is not intended. (Aug. 7, 1953, ch. 345, § 4, 67 Stat. 462.)

*§ 1334. Administration of leasing*

*(a) Rules and regulations; amendment; cooperation with State agencies; violations and penalties; compliance with regulations as condition of lease*

(1) The Secretary shall administer the provisions of this subchapter relating to the leasing of the outer Continental Shelf, and shall prescribe such rules and regulations as may be necessary to carry out such provisions. The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein, and, notwithstanding any other provisions herein, such rules and regulations shall apply to all operations conducted under a lease issued or maintained under the provisions of this subchapter. In the enforcement of conservation laws, rules, and regulations the Secretary is authorized to cooperate with the conservation agencies of the adjacent States. Without limiting the generality of the foregoing provisions of this section, the rules and regulations prescribed by the Secretary thereunder may provide for the assignment or relinquishment of leases, for the sale of royalty oil and gas accruing or reserved to the United States at not less than market value, and, in the interest of conservation, for unitization, pooling, drilling agreements, suspension of operations or production, reduction of rentals or royalties, compensatory royalty agreements, subsurface storage of oil or gas in any of said submerged lands, and drilling or other easements necessary for operations or production.

(2) Any person who knowingly and willfully violates any rule or regulation prescribed by the Secretary for the prevention of waste, the conservation of the natural resources, or the protection of correlative rights shall be deemed guilty

of a misdemeanor and punishable by a fine of not more than \$2,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, and each day of violation shall be deemed to be a separate offense. The issuance and continuance in effect of any lease, or of any extension, renewal, or replacement of any lease under the provisions of this subchapter shall be conditioned upon compliance with the regulations issued under this subchapter and in force and effect on the date of the issuance of the lease if the lease is issued under the provisions of section 1337 of this title, or with the regulations issued under the provisions of section 1335 (b) (2) of this title if the lease is maintained under the provisions of section 1335 of this title.

*(c) Pipeline rights-of-way; forfeiture of grant*

Rights-of-way through the submerged lands of the outer Continental Shelf, whether or not such lands are included in a lease maintained or issued pursuant to this subchapter, may be granted by the Secretary for pipeline purposes for the transportation of oil, natural gas, sulphur, or other mineral under such regulations and upon such conditions as to the application therefor and the survey, location and width thereof as may be prescribed by the Secretary, and upon the express condition that such oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste. Failure to comply with the provisions of this section or the regulations and conditions prescribed thereunder shall be ground for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States district court having jurisdiction under the provisions of section 1333 (b) of this title. (Aug. 7, 1953, ch. 345, § 5, 67 Stat. 464.)

...

§ 1337. *Grant of leases by Secretary*

*(a) Oil and gas leases; award to highest bidder; method of bidding*

In order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the highest responsible qualified bidder by competitive bidding under regulations promulgated in advance, oil and gas leases on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of section 1335 (a) of this title. The bidding shall be (1) by sealed bids, and (2) at the discretion of the Secretary, on the basis of a cash bonus with a royalty fixed by the Secretary at not less than 12½ per centum in amount or value of the production saved, removed or sold, or on the basis of royalty, but at not less than the per centum above mentioned, with a cash bonus fixed by the Secretary.

*(b) Terms and provisions of oil and gas leases*

An oil and gas lease issued by the Secretary pursuant to this section shall (1) cover a compact area not exceeding five thousand seven hundred and sixty acres,

as the Secretary may determine, (2) be for a period of five years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, (3) require the payment of a royalty of not less than  $12\frac{1}{2}$  per centum, in the amount or value of the production saved, removed, or sold from the lease, and (4) contain such rental provisions and such other terms and provisions as the Secretary may prescribe at the time of offering the area for lease.

*(c) Sulphur leases; award to highest bidder; method of bidding*

In order to meet the urgent need for further exploration and development of the sulphur deposits in the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding sulphur leases on submerged lands of the outer Continental Shelf, which are not covered by leases which include sulphur and meet the requirements of section 1335 (a) of this title, and which sulphur leases shall be offered for bid by sealed bids and granted on separate leases from oil and gas leases, and for a separate consideration, and without priority or preference accorded to oil and gas lessees on the same area.

*(d) Terms and provisions of sulphur leases*

A sulphur lease issued by the Secretary pursuant to this section shall (1) cover an area of such size and dimensions as the Secretary may determine, (2) be for a period of not more than ten years and so long thereafter as sulphur may be produced from the area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon, (3) require the payment to the United States of such royalty as may be specified in the lease but not less than 5 per centum of the gross production or value of the sulphur at the wellhead, and (4) contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe at the time of offering the area for lease.

*(e) Other mineral leases; award to highest bidder; terms and conditions*

The Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

...

*§ 1340. Geological and geophysical explorations*

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area. (Aug. 7, 1953, ch. 345, § 11, 67 Stat. 469.)

§ 1341. *Reservation of lands and rights*

(a) *Withdrawal of unleased lands by President*

The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.

(b) *First refusal of mineral purchases*

In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of any mineral produced from the outer Continental Shelf.

(c) *National security clause*

All leases issued under this subchapter, and leases, the maintenance and operation of which are authorized under this subchapter, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953, to suspend operations under any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended.

(d) *National defense areas; suspension of operations; extension of leases*

The United States reserves and retains the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation that part of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

(e) *Source materials essential to production of fissionable materials*

All uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the subsoil or sea-bed of the outer Continental Shelf are reserved for the use of the United States.

(f) *Helium ownership; rules and regulations governing extraction*

The United States reserves and retains the ownership of and the right to extract all helium, under such rules and regulations as shall be prescribed by the Secretary, contained in gas produced from any portion of the outer Continental Shelf which may be subject to any lease maintained or granted pursuant to this

subchapter, but the helium shall be extracted from such gas so as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas. (Aug. 7, 1953, ch. 345, § 12, 67 Stat. 469.)

(c) OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF,<sup>1</sup>  
8 May 1954

§ 250.2. *Definitions*

(d) *Outer Continental Shelf*. All submerged lands (1) which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29) and (2) of which the subsoil and sea-bed appertain to the United States and are subject to its jurisdiction and control.

...

§ 250.42 *Pollution*

The lessee shall not pollute the waters of the high seas or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all useless liquid products of wells in a manner acceptable to the supervisor.

§ 250.43 *Well abandonment*

The lessee shall promptly plug and abandon any well on the leased land that is not used or useful, but no productive well shall be abandoned until its lack of capacity for further profitable production of oil, gas, or sulphur has been demonstrated to the satisfaction of the supervisor. Before abandoning a producible well, the lessee shall submit to the supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. A producible well may be abandoned only after receipt of written approval by the supervisor. No well shall be plugged and abandoned until the manner and method of plugging shall be approved or prescribed by the supervisor. Equipment shall be removed, and premises at the well-site shall be properly conditioned immediately after plugging operations are completed on any well when directed by the supervisor. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to protect the natural resources.

§ 250.44 *Accidents and fires*

The lessee shall take all reasonable precautions to prevent accidents and fires, shall immediately notify the supervisor of any serious accident or fire on the leasehold, and shall submit a full report thereon within 10 days

§ 250.45 *Workmanlike operations*

The lessee shall carry on all operations and maintain the property at all times in a safe and workmanlike manner, having due regard for the preservation and the conservation of the property and for the health and safety of employees. The

<sup>1</sup> *Code of Federal Regulations*, (Revised as of 1 January 1969) Title 30 (Mineral Resources) Chapter II (Geological Survey) Part 250.

lessee shall take reasonable steps to prevent accumulations of oil or other materials deemed to be fire hazards and shall promptly remove such hazardous accumulations as do occur.

...

(d) OUTER CONTINENTAL SHELF MINERAL DEPOSITS, 23 JULY 1964<sup>1</sup>\*

(e) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT<sup>2</sup> OF 1966.  
17 JUNE 1966.

...

#### DECLARATION OF POLICY AND OBJECTIVES

SEC. 2. (a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

- (1) The accelerated development of the resources of the marine environment.
- (2) The expansion of human knowledge of the marine environment.
- (3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.
- (4) The preservation of the role of the United States as a leader in marine science and resource development.
- (5) The advancement of education and training in marine science.
- (6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.
- (7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.
- (8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

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<sup>1</sup> *Ibid.*, Title 43 (Public Lands: Interior) Chapter II (Bureau of Land Management) Part 3380 (Circular 2153, July 23, 1964).

<sup>2</sup> 80 Stat. 203.

THE NATIONAL COUNCIL  
ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

SEC. 3. (a) There is hereby established, in the Executive Office of the President, the National Council on Marine Resources and Engineering Development (hereinafter called the "Council") which shall be composed of—

- (1) The Vice President, who shall be Chairman of the Council.
- (2) The Secretary of State.
- (3) The Secretary of the Navy.
- (4) The Secretary of the Interior.
- (5) The Secretary of Commerce.
- (6) The Chairman of the Atomic Energy Commission.
- (7) The Director of the National Science Foundation.
- (8) The Secretary of Health, Education, and Welfare.
- (9) The Secretary of Transportation (See PL 89-670)

(b) The President may name to the Council such other officers and officials as he deems advisable.

...

RESPONSIBILITIES

SEC. 4. (a) In conformity with the provisions of section 2 of this Act, it shall be the duty of the President with the advice and assistance of the Council to—

- (1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;
- (2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;
- (3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States; ;
- (4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity;
- (5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;
- (6) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and
- (7) review annually all marine science activities conducted by departments



and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this Act.

(b) In the planning and conduct of a coordinated Federal program the President and the Council shall utilize such staff, interagency, and non-Government advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.

#### COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SEC. 5. (a) The President shall establish a Commission on Marine Science, Engineering, and Resources (in this Act referred to as the "Commission").

...

(b) The Commission shall make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. The Commission shall undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives set forth under section 2 (b), including but not limited to the following:

- (1) Review the known and contemplated needs for natural resources from the marine environment to maintain our expanding national economy.
- (2) Review the surveys, applied research programs, and ocean engineering projects required to obtain the needed resources from the marine environment.
- (3) Review the existing national research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge.
- (4) Review the existing oceanographic and ocean engineering programs, including education and technical training, to determine which programs are required to advance our national oceanographic competence and stature and which are not adequately supported.
- (5) Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate national marine science program that will meet the present and future national needs without unnecessary duplication of effort.
- (6) Recommend a Governmental organizational plan with estimated cost.

...

SEC. 6. The Council, under the foreign policy guidance of the President and as he may request, shall coordinate a program of international cooperation in work done pursuant to this Act, pursuant to agreements made by the President with the advice and consent of the Senate.

...

SEC. 8. For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine environment; and

the term "marine environment" shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) sea-bed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (e) the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

(f) ACT PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES. 20 MAY 1964, sections 1081 and 1085<sup>1</sup>

(g) ACT ESTABLISHING A FISHERIES ZONE CONTIGUOUS TO THE TERRITORIAL SEA OF THE UNITED STATES, 14 OCTOBER 1966, section 1094<sup>2</sup>

#### 47. VENEZUELA

(a) ACT OF 27 JULY 1956 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF, FISHERY PROTECTION AND AIR-SPACE

...

##### TITLE II

##### *The continental shelf*

*Article 4.* The Republic of Venezuela shall own and have sovereignty over the sea-bed and subsoil of the submarine shelf adjacent to the territory of the Republic of Venezuela outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the waters admits of the exploitation of the resources of the sea-bed and subsoil in accordance with technical progress in exploration and exploitation. Channels, depressions or irregularities in the sea-bed of the continental shelf shall not constitute a break in the continuity of that shelf, and banks which by position or natural conditions are related to the continental shelf shall be comprised therein.

The continental shelf of the Republic of Venezuela shall include the continental shelf, as just defined, of the islands of the Republic.

*Article 5.* Installations necessary for the exploration and exploitation of the continental shelf shall be subject to the sovereignty of the Republic, and the Republic shall, in the safety zones which it establishes around such installations, take such measures for the protection of those installations as it considers necessary.

*Article 6.* In the exploration and exploitation of its continental shelf, the State shall ensure that no interference is caused to navigation, fishing or the development of fish resources. The State shall also ensure that appropriate precautions are taken with regard to the installation of electric power cables, oil pipelines and the like.

<sup>1</sup> *Infra* DIVISION IV, 39 (e).

<sup>2</sup> *Ibid.* (f).

## TITLE III

*Fishery protection*

*Article 7.* The exploration and exploitation of the sedentary fisheries of the continental shelf of Venezuela shall be subject to the prior authorization and to the control of the national executive.

...

(b) CONSTITUTION OF THE REPUBLIC OF VENEZUELA OF 23 JANUARY 1961,  
Title I, Chapter II, article 7<sup>1</sup>

## 48. WESTERN SAMOA

No attempt has yet been made to claim jurisdiction over a continental shelf. No provision exists relating to the exploitation of resources of the sea or of the sea-bed and subsoil outside internal waters.<sup>2</sup>

## 49. YUGOSLAVIA

(a) LAW OF 22 MAY 1965<sup>3</sup> ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF.

*Article 20*

The continental shelf comprises the sea-bed and subsoil of the submarine areas outside the outer limit of the territorial sea to a depth of 200 metres and also beyond that limit to the line where the depth of the superjacent waters admits of the exploitation of natural resources of the sea-bed and the subsoil.

*Article 21*

Yugoslavia exercises sovereign rights over the continental shelf relating to the exploration and exploitation of the natural resources of the shelf.

Are considered as natural resources within the meaning of paragraph 1 of the present article mineral and other non-living resources of the sea-bed and its subsoil, as well as living organisms which, at the harvesting stage, are immobile on or under the sea-bed or are able to move only in constant physical contact with the sea-bed or the subsoil.

<sup>1</sup> See *supra* DIVISION I, SUB-DIVISION A, Chapter I, 50 (b).

<sup>2</sup> The information was provided by the Permanent Representative of New Zealand to the United Nations in his note of 21 December 1967, at the request of the Government of Western Samoa.

<sup>3</sup> *Official Gazette* No: 22 of 22 May 1965. English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 22*

The rights referred to in article 21, paragraph 1, of the present Law do not affect the legal status of the superjacent waters as high seas, or the legal status of the air-space above them. The exercise of these rights must not unjustifiably interfere with navigation, fishing, the protection of living resources of the sea and with fundamental oceanographic or other scientific research open to publication.

*Article 23*

The exploration and exploitation of the natural resources of the continental shelf as well as the construction, operation and maintenance of installations and devices which are necessary for such explorations and exploitations may be performed under conditions provided for by laws and by regulations based on law.

The installations and devices referred to in paragraph 1 of the present article must be permanently marked by lights and other signals. These installations and devices must be removed when they are abandoned or when they cease to be used for the purposes for which they were erected.

*Article 24*

The operator of works for the exploration and exploitation of the natural resources in the continental shelf must establish safety zones around the installations and devices referred to in article 23 of the present Law, which zones may extend to a maximal distance of 500 metres as measured from every outer point of the installation or device. It is prohibited for the ships to navigate through these safety zones, except when allowed by special regulations.

The operator of the works referred to in paragraph 1 of the present article must undertake adequate measures on the installations and devices as well as in the safety zones for the purpose of preserving living resources of the sea from harmful waste.

*Article 25*

The installations and devices referred to in article 23, paragraph 1, and the safety zones referred to in article 24, paragraph 1, of the present Law must not be erected and established on points where they could interfere with the use of usual sea lanes essential to international navigation.

*Article 26*

The operator of works must report to the port authority about the construction, the way of permanent marking by lights and other signals, and the removal of installations and devices referred to in article 23 of the present Law, as well as about the establishment of safety zones and their limits referred to in article 24, paragraph 1, of the present Law. The port authority shall publish these data in the Notice to Mariners.

...

*Article 31*

A working organization or another juridical person shall be punished by a fine of 100,000 to 1,000,000 dinars:

(1) if it performs the exploration or exploitation of natural resources of the Yugoslav continental shelf without authorization (article 23, paragraph 1);

(2) if the exploration and exploitation of natural resources of the Yugoslav continental shelf is performed in a way which unjustifiably interferes with navigation, fishing, protection of living resources of the sea or fundamental oceanographic or other research open to publication (article 22);

(3) if it does not permanently mark by determined lights and other signals the installations or devices established in the Yugoslav continental shelf for the purpose of exploring or exploiting natural resources, or if it does not remove installations and devices when they are abandoned or when they cease to be used for the purpose for which they were erected (article 23, paragraph 2);

(4) if, exploring or exploiting the natural resources in the Yugoslav continental shelf, and in the safety zones established around the installations and devices for exploring or exploiting them, it does not undertake adequate measures for the protection of sea resources from harmful waste (article 24);

(5) if it establishes installations or devices for exploring and exploiting natural resources of the Yugoslav continental shelf on points where they could interfere with the use of the usual sea lanes essential to international navigation (article 25);

(6) if it does not report to the port authority about the construction, the way of permanent marking by signals, and the removal, of installations and devices for exploring and exploiting natural resources of the continental shelf, or if it does not report about the establishment of safety zones around these installations and devices and their limits (article 26).

For the action referred to in paragraph 1 of the present article the responsible person in a working organization or another juridical person shall also be punished with a fine of 100,000 dinars.

#### *Article 32*

Any individual person having committed an act referred to in article 31 of the present Law shall be punished by a fine of 100,000 dinars.

...

#### *(b) BASIC LAW<sup>1</sup> OF 18 FEBRUARY 1966 ON MINERAL ORES*

...

#### *Article 3*

(1) The provisions of this law are relevant to the exploration and exploitation of mineral ores, regardless of whether they are deposited deep in the earth or on its surface, on the sea-bed or beneath it in the coastal sea of Yugoslavia.

(2) The provisions of this law shall apply also to the exploration and exploitation of mineral ores deposited on the sea-bed or underneath it outside the coastal sea of Yugoslavia if, on the basis of the international law, such exploration and exploitation are regulated under Yugoslav legislation.

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<sup>1</sup> English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 4*

(1) Exploration or exploitation of mineral ores shall be carried on by the economic organizations or institutions designated by this law and fulfilling the prescribed conditions (in the case of economic organizations).

(2) The right to carry out exploration work or to exploit individual mineral ores in a specified area shall be acquired by the organizations on the basis of the approval of the competent authority.

...

*Article 7*

(1) This law shall be applicable to the exploration and exploitation of the following mineral ores:

1. all types of fossil coal, except turf;
2. bituminous substances in solid, liquid or gaseous state, all kinds of bituminous (oil) rocks, as well as other types of gases found under the earth;
3. radio-active mineral ores;
4. mineral ores out of which can be extracted metals and their usable compounds;
5. non-metallic minerals, viz.: graphite, sulphur, magnesite, fluorite, barite, asbestos, mica, phosphorus, gypsum, calcite, chalk, common alum, bentonite, flint (quartz) and flint (quartz) sand, caolin, ceramic and fire clays, cement marls, marble, feldspar, talcum, diatom earth, pozzolana, disten, leucite, precious and semi-precious stones;
6. sodium, potassium, magnesium salts and all other salts and saline waters.

...

## CHAPTER II

*Exploration and Mineral Ores*

## 1. Approval to carry out exploration

*Article 18*

(1) Under the exploration of mineral ores shall be understood the mining operations (preparation of pits, exploration ditches, addits, shafts, drillings, etc.) and the explorations undertaken in order to establish mineral ore deposits, their quantity and quality, the position and form of the deposits and the conditions of exploitation.

(2) Under the provisions of this law the following operations shall not be considered as exploration of mineral ores: mining-geological prospecting, geological measurement, small diggings, shallow geological explorations performed by hand and undertaken in order to trace minerals, prepare geological maps, examine the structure of the soil, carry out scientific research, and the like.

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