

Division II

THE CONTINENTAL SHELF¹

1. AUSTRALIA²

- (a) INCOME TAX ASSESSMENT ACT 1936-1968, section 6AA (1), (2), and (4)³
- (b) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT 1968⁴

PART I

Preliminary

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

...
“Continental shelf” has the same meaning as in the Convention;

¹ See also *supra* DIVISION I, SUBDIVISION A, Chapter IX. Most of the texts reproduced there are of relevance also in relation to the continental shelf.

² According to the information provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971, the Minister for External Affairs made the following statement on 30 October 1970 on the continental shelf between the northern coast of Australia and Indonesian Timor:

“The International Court of Justice has emphasized in a recent North Sea case that what is known as the morphological concept is also inherent in the Convention. Indeed it is the foundation of the doctrine which the lawyers later took over and developed. The morphological concept is that the continental shelf is the natural prolongation under the sea of the land mass of the coastal state, out to the lower edge of the margin, where it slopes down to and merges in, the deep ocean-floor or abyssal plain. These two concepts are in no way inconsistent. They both point to the outer edge of the margin as the limit of the coastal state’s rights.

... “The rights claimed by Australia in the Timor Sea area are based unmistakably on the morphological structure of the sea-bed. The essential feature of the sea-bed beneath the Timor Sea is a huge steep cleft or declivity called the Timor Trough, extending in an east-west direction, considerably near to the coast of Timor than to the northern coast of Australia. It is more than 550 nautical miles long and on the average 40 miles wide, and the sea-bed slopes down on opposite sides to a depth of over 10,000 feet. The Timor Trough thus breaks the continental shelf between Australia and Timor, so that there are two distinct shelves, and not one and the same shelf, separating the two opposite coasts. The fall-back median line between the 2 coasts, provided for in the Convention in the absence of agreement, would not apply for there is no common area to delimit.” ...

³ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 1.

⁴ No. 149 of 1968; 9 December 1968. Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971. This Act repealed the Pearl Fisheries Act 1952, the Pearl Fisheries Act 1953 and the Pearl Fisheries Act (No. 2) 1953, which are reproduced in part in ST/LEG/SER.B/6, pp. 423-424.

“Controlled area” means an area of the Australian continental shelf, or an area of the continental shelf of a Territory, declared by notice in force under section 11 of this Act to be a controlled area in relation to sedentary organisms of any kind;

...

“Foreign ship” means a ship other than:

(a) A ship that is owned by a resident of, or by a company incorporated in, Australia or a Territory and:

(i) That is registered in Australia or in a Territory; or

(ii) The operations of which are based on a place in Australia or in a Territory; or

(b) A boat belonging to, and ordinarily attached to or carried on board, a ship of a kind referred to in the last preceding paragraph;

“Officer” means:

(a) A person permanently or temporarily employed in the Public Service of the Commonwealth or of a Territory, or by an authority of the Commonwealth, and authorized in writing by the Secretary to the Department of Primary Industry, or the Secretary to the Department of External Territories, to perform duties under this Act;

(b) A person permanently or temporarily employed in the Public Service of a State and authorized in writing by the Secretary to the Department of Primary Industry, or the Secretary to the Department of External Territories, to perform duties under this Act in pursuance of an arrangement between the Commonwealth and the State;

(c) A member of the Commonwealth Police Force or of the Police Force of a State or Territory; and

(d) A member of the Defence Force;

“Sedentary organism” means an organism of a kind declared by Proclamation in force under section 7 of this Act to be a sedentary organism to which this Act applies;

...

“Territory” means Territory of the Commonwealth;

“The Australian continental shelf” means the continental shelf adjacent to the coast of Australia, and includes the continental shelf adjacent to the Territory of Ashmore and Cartier Islands and the sea-bed and subsoil of the territorial sea of that Territory;

“The continental shelf of a Territory” means the continental shelf adjacent to any Territory not forming part of the Commonwealth (other than the Territory of Ashmore and Cartier Islands), and includes the sea-bed and subsoil of the territorial sea of any such Territory;

“The Convention” means the Convention entitled “Convention on the Continental Shelf”¹ signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight.

¹ United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

(2) Unless the contrary intention appears, a reference in this Act to the Australian continental shelf or to the continental shelf of a Territory shall be read as including a reference to the waters above the Australian continental shelf or the continental shelf of the Territory, as the case may be, and a reference in this Act to an area, or part of an area, of the Australian continental shelf or of the continental shelf of a Territory shall be read as including a reference to the waters above that area or that part of that area.

(3) For the purposes of this Act, a person shall be deemed to be using a ship in searching for and taking sedentary organisms of a particular kind if:

(a) He is using the ship as a place of abode or refuge, or for storing provisions, for:

(i) Persons employed in or in connexion with searching for or taking sedentary organisms of that kind; or

(ii) Persons engaged in superintending persons so employed;

(b) He is using the ship for transporting, or as a place for storing, sedentary organisms, or parts of sedentary organisms of that kind;

(c) He is using the ship as a place from which persons search for or take sedentary organisms of that kind; or

(d) He is otherwise using the ship in or in connexion with searching for or taking sedentary organisms of that kind.

7. Where the Governor-General is satisfied that a marine organism of any kind is, for the purposes of the Convention, part of the living natural resources of the Australian continental shelf, or the continental shelf of a Territory, by reason that it is, for the purposes of the Convention, an organism belonging to sedentary species, he may, by Proclamation,¹ declare the organism to be a sedentary organism to which this Act applies.

8. (1) The Governor-General may, by Proclamation,² declare an area of continental shelf specified in the Proclamation to be, for the purposes of this Act, an area of continental shelf adjacent to a Territory (being a Territory not forming part of the Commonwealth) so specified.

(2) Where a Proclamation is in force under the last preceding subsection, the area of continental shelf specified in the Proclamation shall, for the purposes of this Act, be deemed to be an area of continental shelf adjacent to the Territory specified in the Proclamation, and shall be deemed not to be an area of continental shelf adjacent to Australia.

9. This Act extends to all the Territories and to all parts of the Australian continental shelf and all parts of the continental shelf of a Territory, and applies to all persons, including foreigners, and to all ships, including foreign ships.

¹ See Proclamation of 25 March 1970 by Governor-General, *infra* (d).

² See Proclamation of 25 March 1970 by Governor-General, *infra* (e).

PART II

Regulation of the taking of sedentary organisms.

11. The appropriate Minister may, by notice¹ published in the *Gazette*, declare an area of the Australian continental shelf, or an area of the continental shelf of a Territory, specified in the notice to be, in relation to sedentary organisms of a kind so specified, a controlled area for the purposes of this Act.

12. (1) The appropriate Minister may, by notice² published in the *Gazette*:

(a) Prohibit the taking, either at all times or during a specified period, of sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(b) Prohibit the taking of any sedentary organism of a specified kind that is less than a specified size in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(c) Prohibit the taking, by a method or equipment of a specified kind, of any sedentary organism of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(d) Prohibit the taking by any one ship, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(e) Prohibit the taking by any one person, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind; and

(f) Prohibit the removal of sedentary organisms of a specified kind from the Australian continental shelf, or the continental shelf of a Territory, being a Territory specified in the notice, unless the organisms are dead.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

13. (1) The appropriate Minister or the appropriate Secretary may grant to a person a licence authorizing the person to search for and take sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind.

¹ See Controlled Area (Australian Continental Shelf) Notices and Controlled Area (External Territories) Notice, *infra* (f) and (g).

² See Conservation (Australian Continental Shelf) Notices and Conservation (External Territories) Notice, *infra* (h) and (i).

(2) The appropriate Minister or the appropriate Secretary may grant to a person a licence in respect of a ship authorizing the use of the ship by that person, or by a person acting on his behalf, in searching for and taking sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind.

(3) A licence authorizing the use of a ship in searching for and taking sedentary organisms of a particular kind in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, extends, subject to any conditions specified in the licence, to authorizing the use of the ship in that area, in relation to sedentary organisms of that kind, for any purpose specified in a paragraph of subsection (3) of section 5 of this Act.

(4) The appropriate Minister or the appropriate Secretary may grant to or in respect of a person:

(a) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver;

(b) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a trial diver; or

(c) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver's tender.

(5) A person authorized to grant licences under this section may, in his discretion, grant or refuse an application for a licence.

(6) A licence granted under this section:

(a) Is subject to such conditions as are specified in the licence; and

(b) Remains in force for such period as is specified in the licence.

(7) The appropriate Minister or the appropriate Secretary may, in his discretion, on the application of the holder of a licence in respect of a ship and of another person as proposed transferee, transfer the licence to that other person.

(8) Such fees, if any, as are prescribed are payable in respect of the grant of a licence, or the transfer of a licence, under this section.

14. An officer may:

(a) Board or enter upon a ship in a controlled area, or a ship that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area, and may search the ship for equipment used, or capable of being used, for searching for or taking sedentary organisms:

(b) Examine any equipment found on any ship or in any place, being equipment that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area;

(c) Seize, take, detain, remove and secure any ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act or any sedentary organisms that the officer has reason to believe have been taken in contravention of this Act;

(d) Arrest, without warrant, a person whom the officer has reason to believe has committed an offence against this Act;

(e) Require the master or other person in charge of a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the ship to a place specified by the officer, being a place in Australia or a Territory, and to remain in control of the ship at that place until an officer permits him to depart from that place;

(f) Bring a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Australia or a Territory and remain in control of the ship pending the taking of proceedings in respect of that contravention;

(g) Require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to produce the licence, and take copies of, or extracts from, the licence;

(h) Require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to give information concerning the ship and the crew and any person on board the ship;

(i) Require a person who is on board a ship in respect of which a licence is required to be in force under this Act, or who is engaged in searching for or taking any sedentary organisms in a controlled area, or whom he reasonably suspects of having committed an offence against this Act, to state his name and place of abode;

(j) Require a person engaged in searching for or taking sedentary organisms in a controlled area to state whether he is the holder of a licence under subsection (1) or (4) of section 13 of this Act and, if so, to produce the licence; and

(k) Sell any sedentary organisms seized by him under this Act.

PART III

Offences.

15. (1) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of any kind, whether on his own account or as the partner, agent or employee of another person, search for or take sedentary organisms of that kind except as authorized by a licence granted to him under subsection (1) of section 13 of this Act.

(2) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of any kind, use a ship (other than an exempt boat) in searching for or taking sedentary organisms of that kind or except as authorized by a licence granted to him, or to a person on whose behalf he is acting, under subsection (2) of section 13 of this Act.

(3) A person shall not, in a controlled area, have in his possession or in his charge a ship (other than an exempt boat) for use in searching for or taking sedentary organisms unless there is in force in respect of the ship a licence under subsection (2) of section 13 of this Act authorizing the use of the ship by him, or by a person on whose behalf he is acting, in searching for and taking sedentary organisms in that area.

(4) A person shall not, in a controlled area, employ or have on board a ship, for the purpose of searching for or taking any sedentary organisms, a diver, trial diver or diver's tender unless there is in force in respect of him a licence granted under subsection (4) of section 13 of this Act authorizing his employment, in that area, as a diver, trial diver or diver's tender, as the case may be.

(5) A person who is the holder of a licence under this Act shall not contravene a condition of the licence and a person acting on behalf of the holder of a licence under subsection (2) of section 13 of this Act shall not contravene a condition of that licence.

...
 (7) Sub-sections (2) and (3) of this section do not apply in relation to a foreign ship if:

(a) The equipment for searching for and taking sedentary organisms belonging to the ship is stowed and secured; and

(b) The work of cutting up, dismembering, cleaning, sorting or packing sedentary organisms is not being carried out on the ship.

...
 17. A person shall not:

(a) Fail to facilitate by all reasonable means the boarding of a ship by an officer acting in pursuance of his powers under this Act;

(b) Refuse to allow a search to be made that is authorized by or under this Act;

(c) Refuse or neglect to comply with a requirement made by an officer under section 14 of this Act;

(d) When lawfully required to state his name and place of abode to an officer acting in pursuance of his powers under this Act, state a false name or place of abode to the officer;

(e) When lawfully required to give information by an officer acting in pursuance of his powers under this Act, give false or misleading information to the officer;

(f) Use abusive or threatening language to an officer acting in pursuance of his powers under this Act;

(g) Assault, resist or obstruct an officer acting in pursuance of his powers under this Act;

(h) Impersonate an officer; or

(i) In an application for the purposes of this Act, make a statement or furnish information which is false or misleading in any particular.

18. (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

(2) Subject to this section, an offence against this Act shall be prosecuted summarily and is punishable by a fine not exceeding One thousand dollars.

(3) An offence against subsection (2) or (3) of section 15 of this Act committed in respect of a foreign ship may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence, and such an offence is punishable

(a) Upon summary conviction, by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding six months, or both; or

(b) Upon conviction on indictment, by a fine of not less than One thousand dollars and not exceeding Ten thousand dollars or imprisonment for a period not exceeding one year, or both.

(4) Where proceedings for an offence against subsection (2) or (3) of section 15 of this Act committed in respect of a foreign ship are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings.

(5) Where a person is convicted of an offence against section 15 or 16 of this Act, the court may order the forfeiture of any ship used or otherwise involved in the commission of the offence, and of its equipment and contents (other than the personal effects of members of the crew) and of any sedentary organisms found on the ship or the proceeds of the sale of any sedentary organisms so found.

19. (1) Subject to this section

(a) The several courts of the States are invested with federal jurisdiction; and

(b) Jurisdiction is conferred on the several courts of the Territories, with respect to offences against this Act or the regulations that are committed outside Australia and the Territories.

...

20. ...

(2) Where a person (including a person on board a ship) is at any place that is, or is above, a part of the Australian continental shelf or a part of the continental shelf of a Territory and he has in his possession or under his control any sedentary organism, then, in any prosecution of that person for an offence against subsection (1) of section 15 of this Act, that possession or control is evidence that the person took the sedentary organism in that part of the Australian continental shelf or that part of the continental shelf of the Territory, as the case may be.

...

25. The Governor-General may make regulations,¹ not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act,

...

(c) NAVIGATION ACT 1912-1970, part VIIA²

¹ See Continental Shelf (Living Natural Resources) Regulations (Statutory Rules 1970 No. 47; 25 March 1970) notified in the *Commonwealth Gazette* on 9 April 1970.

² *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 1.

(d) PROCLAMATION OF 25 MARCH 1970 BY GOVERNOR-GENERAL CONCERNING MARINE ORGANISMS OF THE CONTINENTAL SHELF¹

. . . I, Sir Paul Meernaa Caedwalla Hasluck, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby declare the marine organisms included in a class of marine organisms specified in the Schedule to this Proclamation to be sedentary organisms to which the Continental Shelf (Living Natural Resources) Act 1968 applies.

THE SCHEDULE

CLASSES OF MARINE ORGANISMS

1. Corals, of any kind, included in the Phylum *Coelenterata*, Class *Anthozoa* or Class *Hydrozoa*
2. Lace corals, of any kind, included in the Phylum *Ectoprocta*, Order *Cheilostomata* or Order *Cyclostomata*
3. Sea anemones included in the Phylum *Coelenterata*, Class *Anthozoa* (other than sea anemones included in the family *Minyadidae*)
4. Sea pens included in the Phylum *Coelenterata*, Class *Anthozoa*, Order *Penatulacea*
5. Sponges of any kind
6. Sea urchins included in the Phylum *Echinodermata*, Class *Echinoidea*
7. Bêche-de-mer (also called sea cucumbers or trepang)
8. Sea lilies or stalked crinoids included in the Phylum *Echinodermata*, Class *Crinoidea*, Suborder *Millerocrinida*
9. Bivalve molluscs (except scallops), including oysters, mother-of-pearl, pearl shell, mussels, clams, pipis, venus shells, cockles and razor fish
10. Gasteropods (except sea hares, sea butterflies, sea slugs of the Order *Opisthobranchiata*, violet snails of the Family *Ianthinidae* and organisms of the Family *Heteropoda*), including abalone, green snail, trochus, triton shells, helmet shells, cone shells, bailer shells, winkles and cowries
11. Chitons
12. Sea-weed of the Family *Gelidiaceae* or Family *Gracilariaceae*
13. Kelp of the Genus *Macrocystis*

(e) [PROCLAMATION OF 25 MARCH 1970 BY GOVERNOR-GENERAL CONCERNING THE CONTINENTAL SHELF ADJACENT TO PAPUA AND NEW GUINEA]²

¹ *Commonwealth of Australia Gazette*, No. 25; 9 April 1970, p. 2315. Issued in pursuance of section 7 of the Continental Shelf (Living Natural Resources) Act 1968, *supra* (b).

² *Commonwealth of Australia Gazette*, No. 25; 9 April 1970, pp. 2315-2317. This proclamation declared certain specified areas of the continental shelf to be the areas of the continental shelf adjacent to the Territories of Papua and New Guinea for the purposes of the Continental Shelf (Living Natural Resources) Act 1968.

- (f) [CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONTROLLED AREA (AUSTRALIAN CONTINENTAL SHELF) NOTICE, 9 April 1970. Nos. 1-5]¹
- (g) [CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONTROLLED AREA (EXTERNAL TERRITORIES) NOTICE, 9 April 1970. No. 1]²
- (h) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONSERVATION (AUSTRALIAN CONTINENTAL SHELF) NOTICE, 10 April 1970³

No. 1. Prohibitions relating to taking of pearl shell.

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968⁴ 1, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking:

(a) In the area of the Australian continental shelf specified in the Second Schedule⁵ to this Notice—of a sedentary organism of the kind specified in the First Schedule to this Notice, being a sedentary organism to which that Act applies:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than five and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than four and one-half inches;

(b) In the area of the Australian continental shelf specified in the Third Schedule⁶ to this Notice, of a sedentary organism of the kind so specified

- (i) The maximum exterior measurement of which, in the original form as fished, measured in a straight line from and at right angles to,

¹ These Notices, issued by the Minister of State for Primary Industry in pursuance of section 11 of the Continental Shelf (Living Natural Resources) Act 1968, declared the areas of the Australian continental shelf—Queensland Division, Victoria Division, Tasmania Division, Western Australia Division, and Northern Territory and Ashmore and Cartier Islands Divisions—as controlled areas for the purposes of that Act in relation to the sedentary organisms specified in the Schedules to each Notice. For the texts, see *ibid.*, No. 27; 10 April 1970, p. 2323.

² This Notice, issued by the Minister of State for External Territories in pursuance of section 11 of the Continental Shelf (Living Natural Resources) Act 1968, declared the areas of the continental shelf which are shortly called as Papua Division and New Guinea Division to be controlled areas for the purposes of that Act in relation to any sedentary organisms to which that Act applies. See *ibid.*, for the text.

³ *Ibid.*, No. 28; 13 April 1970, pp. 2325-2326.

⁴ *Supra* (b).

⁵ The Second Schedule (specifying the area of continental shelf in the Western Australia Division) and the Third Schedule (specifying the area in Mangrove Point Area) are not reproduced here.

⁶ The Second Schedule (specifying the area of continental shelf in the Western Australia Division) and the Third Schedule (specifying the area in Mangrove Point Area) are not reproduced here.

a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre, is less than three and one-half inches; and

(c) In any other area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of the kind specified in the First Schedule to this Notice, of a sedentary organism of the kind so specified

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip is less than six and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than five inches,

except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, a sedentary organism of that kind from an area that is a controlled area in relation to sedentary organisms of that kind.

FIRST SCHEDULE

SEDENTARY ORGANISMS

Pearl shell of the species *Pinctada maxima* (commonly known as gold-lip, silver-lip or white shell).

...

No. 2. Prohibitions relating to the method of taking pearl shell, trochus, bêche-de-mer or green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking, by any method of trawling or dredging, of sedentary organisms of a kind specified in the Schedule to this Notice in any area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of that kind except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, sedentary organisms of that kind in an area specified in the instrument, being an area that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE
KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 3. Removal of live pearl shell, trochus, bêche-de-mer and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the removal of sedentary organisms of a kind specified in the Schedule to this Notice from the Australian continental shelf:

(a) Unless the organisms are dead; or

(b) Unless the organisms, being live organisms, are removed by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, removes the organisms, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, from an area of the Australian continental shelf specified in that instrument.

THE SCHEDULE
KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 4. Prohibitions relating to taking of pearl shell, trochus and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking at all times

(a) In any area of the Australian continental shelf that is a controlled area in relation to pearl shell of the species *Pinctada margaritifera* (commonly known as black-lip), being a sedentary organism to which that Act applies, of sedentary organisms of that kind:

(i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

(ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than three and one-half inches;

(b) In any area of the Australian continental shelf that is a controlled area in relation to trochus, being a sedentary organism to which that Act

applies, of sedentary organisms of that kind the minimum measurement of the shell of which, measured in a straight line across the base through the axis of the whorl, is less than two and one-half inches; or

(c) In any area of the Australian continental shelf that is a controlled area in relation to green snail, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the shell of which is less than ten ounces in weight,

except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes in accordance with the instrument and subject to the conditions, if any, specified in the instrument pearl shell, trochus or green snail, as the case may be, in an area that is a controlled area in relation to sedentary organisms of that kind.

No. 5. Prohibitions relating to the taking of triton shells, giant clams and helmet shells

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking at all times of sedentary organisms of a kind specified in the Schedule to this Notice in the area of the Australian continental shelf the short description of which is the "Queensland Division", being an area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE

1. Triton shells
2. Giant clams
3. Helmet shells

(i) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT:
CONSERVATION (EXTERNAL TERRITORIES) NOTICE, 10 APRIL 1970¹

No. 1. Prohibitions relating to taking of pearl shell (known as black-lip), trochus and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968,² I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking, at all times:

(a) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to pearl shell of the species *Pinctada margaritifera* (commonly known as black-lip), being a sedentary organism to which that Act applies—of sedentary organisms of that kind:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

¹ *Commonwealth of Australia Gazette*, No. 28; 13 April 1970, pp. 2326-2327.

² *Supra* (b).

(ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than three and one-half inches;

(b) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to trochus, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the minimum measurement of the shell of which, measured in a straight line across the base through the axis of the whorl, is less than two and one-half inches; or

(c) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to green snail, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the shell of which is less than ten ounces in weight,

except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, pearl shell, trochus or green snail, as the case may be, in an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, as the case may be, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

No. 2. Prohibitions relating to the method of taking pearl shell, trochus, bêche-de-mer and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking, by any method of trawling or dredging, of sedentary organisms of a kind specified in the Schedule to this Notice in any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to sedentary organisms of that kind except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, sedentary organisms of that kind in an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE
KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 3. Prohibitions relating to taking of pearl shell known as gold-lip or white shell

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking in any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to sedentary organisms of the kind specified in the Schedule to this Notice, of a sedentary organism of the kind so specified:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than six and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than five inches,

except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, a sedentary organism of that kind from an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, as the case may be, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE

Sedentary organisms

Pearl shell of the species *Pinctada maxima* (commonly known as gold-lip, silver-lip or white shell).

2. BRAZIL

DECREE NO. 63.164 OF 24 AUGUST 1968, GOVERNING EXPLORATION AND RESEARCH CARRIED OUT ON THE UNDERWATER SHELF OF BRAZIL OR IN THE WATERS OF THE TERRITORIAL SEA AND INTERNAL AND OTHER WATERS¹

3. CANADA

(a) OIL AND GAS PRODUCTION AND CONSERVATION ACT², AS AMENDED IN 1970³

...

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 2.

² *Revised Statutes of Canada*, 1970, Chapter O-4. This original act, promulgated on 27 June 1969, was to be applicable to "the Yukon Territory and the Northwest Territories" only.

³ The amendments were made by the Act to Amend the Oil and Gas Production and Conservation Act, *ibid.*, Chapter 30 (1st Supp.).

Interpretation

2. *Definitions*

In this Act

“Chief Conservation Officer” means

(a) In relation to any area in respect of which the Minister of Indian Affairs and Northern Development had administrative responsibility for the natural resources therein, such officer of the Department of Indian Affairs and Northern Development as that Minister may designate from time to time, and

(b) In relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, such officer of the Department of Energy, Mines and Resources as that Minister may designate from time to time;

...

“gas” means natural gas;

*“Lease” means an oil and gas lease issued pursuant to regulations made in accordance with the *Territorial Lands Act* and the *Public Lands Grants Act*;*

“Minister” means

(a) In relation to any area in respect of which the Minister of Indian Affairs and Northern Development has administrative responsibility for the natural resources therein, the Minister of Indian Affairs and Northern Development, and

(b) In relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, the Minister of Energy, Mines and Resources;

“Oil” means any hydrocarbons except coal and gas;

“Permit” means an exploratory oil and gas permit issued pursuant to regulations made

*in accordance with the *Territorial Lands Act* and the *Public Lands Grants Act*;*

...

“Pool” means a natural underground reservoir containing or appearing to contain an accumulation of oil or gas or both oil and gas and being separated or appearing to be separated from any other such accumulation;

...

Application

3. *Application*

This Act applies in respect of oil and gas in any of the following areas, namely:

(a) The Yukon Territory or the North-west Territories;

(b) Those submarine areas adjacent to the coast of Canada to a water 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 sea-bed and subsoil thereof; and

(c) Any lands that belong to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the minerals therein;

but does not apply in respect of oil and gas in any such area if the area is within the geographical limits of, or if the administration of the oil and gas resources in the area has been transferred by law to, any of the ten provinces of Canada.

...

PART I. PRODUCTION AND CONSERVATION

12. *Regulatory power of Governor in Council*

The Governor in Council may make regulations respecting the exploration and drilling for and the production and conservation, processing and transportation of oil and gas and, in particular, but without restricting the generality of the foregoing, may make regulations

(a) Respecting the licensing, drilling, spacing, locating, completing, producing, equipping, suspending and abandoning of wells;

...

(b) Respecting the regulating and controlling of the rate at which oil, gas or water may be produced from any well, pool or field;

(c) Respecting the reporting of information and data obtained in the course of the exploration for, the drilling for and the production of oil and gas and the keeping of records and measurements of all oil, gas and water produced;

(d) Concerning the safety and the inspection of all operations conducted in connection with the exploration for, the drilling for and the production of oil and gas and prescribing the measures to be taken to ensure the safety of such operations;

...

(l) For the prevention of waste within the meaning of this Act;

(m) Prescribing the conditions under which drilling operations may be carried out in water-covered areas and any special measures to be taken for such operations;

...

(p) Prescribing minimum acceptable standards for the construction, alteration or use of any works, fittings, machinery, plant and appliances used for the development, production, transmission, distribution, measurement, storage or handling of any oil or gas;

(q) Prescribing the measures necessary to prevent pollution of air, land or water as a result of the exploration and drilling for or the production, storage, transportation, distribution, measurement, processing or handling of any oil or gas or any substance obtained from or associated with oil or gas; and

...

Waste

13.

(1) *Waste prohibited.* Subject to subsection 48(5), any person who commits waste is guilty of an offence under this Act, but a prosecution may be instituted for such an offence only with the consent of the Minister.

(2) “*Waste*”. In this Act “waste”, in addition to its ordinary meaning, means waste as understood in the oil and gas industry and in particular, but without limiting the generality of the foregoing, includes

(a) The inefficient or excessive use or dissipation of reservoir energy;

(b) The locating, spacing or drilling of a well within a field or pool or within part of a field or pool or the operating of any well that, having regard to sound engineering and economic principles, results or tends to result in a reduction in the quantity of oil or gas ultimately recoverable from a pool;

(c) The drilling, equipping, completing, operating or producing of any well in a manner that causes or is likely to cause the unnecessary or excessive loss or destruction of oil or gas after removal from the reservoir;

(d) The inefficient storage of oil or gas above ground or underground;

(e) The production of oil or gas in excess of available storage, transportation or marketing facilities;

(f) The escape or flaring of gas that could be economically recovered and processed or economically injected into an underground reservoir; or

(g) The failure to use suitable artificial, secondary or supplementary recovery methods in a pool when it appears that such methods would result in increasing the quantity of oil or gas, or both, ultimately recoverable under sound engineering and economic principles.

14.

(1) *Prevention of waste.* Where the Chief Conservation Officer on reasonable and probable grounds is of the opinion that waste, other than waste as defined in paragraph 13 (2) (f) or (g), is being committed, the Chief Conservation Officer may, subject to subsection (2) of this section, order that all operations giving rise to such waste cease until he is satisfied that the waste has stopped.

(2) *Investigation.* Before making any order under subsection (1), the Chief Conservation Officer shall hold an investigation at which interested persons shall be given an opportunity to be heard.

(3) *Peremptory order.* Notwithstanding subsection (2), the Chief Conservation Officer may, without an investigation, make an order under this section requiring all operations to be shut down if in his opinion it is necessary to do so to prevent damage to persons or property or to prevent pollution; but as soon as possible after making any such order and in any event within fifteen days thereafter, he shall hold an investigation at which interested persons shall be given an opportunity to be heard.

(4) *Order after inquiry.* At the conclusion of an investigation under subsection (3) the Chief Conservation Officer may set aside, vary or confirm the order made, or make a new order.

...

Conservation engineers

42. *Conservation engineers*

The conservation engineers necessary for the administration and enforcement of this Act shall be appointed under the *Public Service Employment Act*.

43. *Powers of conservation engineers*

A conservation engineer may at any reasonable time

(a) Enter and inspect any place, premises or structure used in connection with the production, storing, handling, processing, transporting of or the exploration or drilling for oil and gas or either of them;

(b) Require the production and inspection of any books, records, documents, licences or permits required by this Act or the regulations and make copies thereof; and

(c) Take samples or particulars and carry out any reasonable tests or examinations.

44. *Certificate of appointment*

A conservation engineer shall be furnished by the Minister with a certificate of his appointment or designation and on entering any place, premises or structure pursuant to the authority of this Act shall, if so required, produce the certificate to the person in charge thereof.

45. *Assistance to be given conservation engineer*

The owner or person in charge of any place, premises or structure and every person found therein or thereon shall give a conservation engineer all reasonable assistance within his power to enable the conservation engineer to carry out his duties and functions under this Act or the regulations.

46.

(1) *Obstruction or hindrance prohibited.* No person shall obstruct or hinder any conservation engineer in carrying out his duties or functions under this Act or the regulations.

(2) *False statements.* No person shall make a false or misleading statement either orally or in writing to a conservation engineer engaged in carrying out his duties and functions under this Act or the regulations.

47.

(1) *Power of conservation engineer when dangerous operation detected.* Where a conservation engineer, on reasonable and probable grounds, is of the opinion that an operation is in contravention of any safety regulation made pursuant to this Act and that continuation of the operation is likely to result in serious bodily injury, he may order that such operation cease or be continued only in accordance with the terms of the order and shall affix at or near the scene of the operation a notice of the order in a form prescribed by the Minister.

...

Offences and penalties

48.

(1) *Offences with respect to documents and records.* A person is guilty of an offence who

(a) Knowingly makes any false entry or statement in any report, record or document required by this Act or the regulations or by any order made pursuant to this Act or the regulations; or

(b) Knowingly destroys, mutilates or falsifies any report or other document required by this Act or the regulations or by any order made pursuant to this Act or the regulations.

(2) *Contravention of ss. 26(1).* A person who produces any oil or gas from a pool or field under the terms of a unit agreement within the meaning of Part 11, or any amended unit agreement, before the unit agreement or amended unit agreement is filed with the Chief Conservation Officer is guilty of an offence.

(3) *Other offences.* A person is guilty of an offence who contravenes any of the provisions of section 25, subsection 27(2), section 45, section 46, subsection 47(7) or any regulation made pursuant to section 12 when the contravention thereof is stated in the regulations to be an offence under this Act.

(4) *Offence.* A person is guilty of an offence

(a) Who fails to comply with any order of the Chief Conservation Officer made under section 14, or

(b) Who contravenes any order of the Committee made under section 16 or 18.

(5) *Presumption against waste.* A person shall not be deemed to have committed an offence under subsection 13(1) by reason of having committed waste as defined in paragraph 13(2)(f) or (g) unless he has been directed by the Committee to take measures to prevent the waste and has failed to do so within the time specified by the Committee.

49. *Penalty*

Every person who, or whose employee or agent, is guilty of an offence under this Act is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both.

...

(b) ARCTIC WATERS POLLUTION PREVENTION ACT 1970,
sections 2-10, 14-22¹

4. CYPRUS

Information concerning the outer limit of the continental shelf²

“[W]ith regard to the continental shelf of the Republic, advice has been given in 1972 by the Attorney-General’s Office that ‘the submarine areas beyond

¹ *Infra* DIVISION III, 3 (c).

² Provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 31 May 1972.

the depth of 200 metres may, in the light of the judgement of the International Court of Justice in the *North Sea Continental Shelf Case*,¹ still be considered by Cyprus as part of the Continental Shelf if they form part of the *natural* prolongation of the Cyprus land territory into and under the sea.’

5. DENMARK

(a) ACT NO. 166 OF 12 MAY 1965 ON MINERAL RESOURCES IN GREENLAND,
AS AMENDED IN 1969²

Section 8. Subsection 1: A concession on the exploration of mineral resources may be granted applicants who, at the Minister's discretion, are found to have the necessary financial backing and expert skill at their disposal.

Subsection 2: The concession may be granted for a specific area and for a period of time which as far as West Greenland is concerned shall not exceed 8 years and for North and East Greenland not 12 years.

Subsection 3: It may be provided in the concession that the concessionaire shall pay a fee to the State in consideration for the concession.

...

Section 17. Subsection 1: The concession shall, as a general rule, contain provisions as to the share of the profit to accrue to public funds following the return of the invested capital plus adequate interest from the proceeds of the mining operations.

Subsection 2: When indicated by circumstances, the economic interests of the State and of Greenland's provincial treasury may, however, be secured, for instance through payment of a fixed royalty. In this connection it may be stipulated that royalty shall be paid by the concessionaire even if the proceeds of the mining activities have not yet yielded a complete return of investments plus an adequate amount of interest thereon.

Subsection 3: In connection with the stipulation as to the payments to public funds to be made by the concessionaire, the latter may be granted exemption from taxation on earnings from the mining operations. Similarly, exemption may be granted in respect of tariffs and other duties on machinery, instruments, other operational equipment, and materials imported into Greenland in order to be used in the mining activities.

...

¹ *I.C.J. Reports*, 1969, p. 3.

² The Act of 1965 is reproduced in part in ST/LEG/SER.B/15, pp. 348-349. The amendments were made by Act No. 203 of 21 May 1969. Only the amended sections are reproduced here. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971.

(b) ACT NO. 259 OF 9 JUNE 1971 CONCERNING THE CONTINENTAL SHELF, AS AMENDED IN 1972¹

Article 1. 1. The natural resources of the Danish continental shelf shall belong to the Danish State and may only be explored or utilized by other parties under a concession or licence.

2. For the purposes of this Act the term "natural resources" means:

(1) The mineral and other non-living resources of the sea-bed and its subsoil, and

(2) Living organisms which, when harvestable, are either immobile on or under the sea-bed, or are unable to move unless they are in constant physical contact with the sea-bed or its subsoil.

Article 2. 1. The Minister of Public Works may permit exploration of the natural resources specified in article 1, paragraph 2 (1), where such exploration is not undertaken with a view to utilization. He may also permit the removal of such raw materials as were available for utilization by private interests in Denmark before 23 February 1932. Otherwise exploration and utilization of the resources specified in article 1, paragraph 2 (1), may only take place under a concession granted in accordance with the rules laid down in the Act concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark.

2. The Minister of Fisheries may permit fishing and exploration of the living organism specified in article 1, paragraph 2(2). If the study of the natural resources specified in article 1, paragraph 2(1) is required for fisheries or oceanographic research, permission for such study shall similarly be granted by the Minister of Fisheries.

3. A permit under the second sentence of paragraph 1 hereof may be issued as a sole right to recover during the validity of the permit one or more of the said raw materials from the whole of the continental shelf or any particular area thereof.

4. A sole permit shall be issued only to such enterprises as are organized as limited liability companies. Such permits shall be valid for maximum periods of fifteen years at a time and may, *inter alia*, contain the following conditions:

(a) That the Minister for Public Works shall be empowered at any time to impose restrictions with respect to the nature and quantity of the deposits authorized for recovery; restrict or bar all recovery in certain areas, or define general or local limits of depths within or beyond which recovery is authorized;

(b) That the Minister shall be empowered to issue directives for fixing of prices of the deposits recovered and that, with a view thereto, the company shall provide the Minister with detailed information on the annual expenses

¹ The Act of 1971 entered into force on 1 July 1971, repealing article 3 of Royal Decree of 7 June 1963 concerning the exercise of Danish Sovereignty over the continental shelf, reproduced in ST/LEG/SER.B/15, p. 344. Text of 1971 Act provided by the Foreign Ministry of Denmark in a note verbale of 16 November 1971 and translated by the Secretariat of the United Nations. The amendments were made by Act No. 278 of 7 June 1972. The amendments modified paragraph 3 of article 2 and added paragraphs 4 and 5 thereto as well as a new article 6 (a). English text of these new provisions are based on an unofficial translation done by the Ministry of Justice of Denmark and provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

of the company for administration, repairs, replacements, depreciations, appropriations for reserves, dividends, etc.;

(c) That the company shall not be authorized to increase its share capital or to raise any loan without the consent of the Minister;

(d) That any assignment of shares shall be subject to the consent of the Minister;

(e) That deposits recovered shall be landed in a Danish port or at such other place of discharge as has been approved by the Minister;

(f) That, in accordance with directives issued by the Minister, the Company shall report on their recovery activities, particularly with respect to sites and depths of recovery and also the nature and quantities of the deposits recovered;

(g) That, in accordance with rules issued by the Minister, the company shall accede to supervision of its fulfilment of the directives issued and shall defray the expenses incidental thereto;

(h) That the company shall pay a royalty to the Treasury for its recovery activities; and

(i) That the company shall reimburse the Government for expenditure incurred in respect of payment of compensation under paragraph 2 of article 6 (a) of this Act and for the expenses incidental to the fixing of the compensation.

5. Permits under the second sentence of paragraph 1 hereof for recovery of species of raw materials other than those comprised by a sole permit, or for recovery in areas other than those authorized by a sole permit, and also permits under paragraph 2 hereof shall be issued for periods of up to five years at a time and may, *inter alia*, be contingent upon payment of a royalty to the Treasury and upon the raw materials recovered being landed in a Danish port or at such other place of discharge as has been approved by the Minister for Public Works.

Article 3. 1. Danish law shall apply to installations which are to be used for exploration or exploitation of the continental shelf and are situated in the area of the shelf and in safety zones surrounding the installation (cf. however, paragraph (2)). In determining the area of jurisdiction of Danish courts and administrative authorities, installations and safety zones shall be deemed to belong to the area nearest to them, save as otherwise provided by the Minister concerned.

2. The following laws shall not apply to installations and safety zones:

- (1) The Act on Saltwater Fisheries;
- (2) The Act on Hunting;
- (3) The Act Concerning the Conduct of Economic Activities in Greenland;
- (4) The Act on Hunting and Fresh Water Fisheries in Greenland, and
- (5) The Act on Commercial Trapping, Fishing and Hunting in Greenland.

Article 4. 1. The Minister of Public Works may prescribe special regulations concerning safety measures in connexion with the setting-up and operation of the installations specified in article 3, paragraph 1, concerning the laying of pipelines and cables and concerning measures to prevent or remedy pollution.

Supervision to ensure compliance with the regulations shall be the responsibility of the authorities entrusted with similar tasks under other laws, and complaints concerning decisions of the supervisory authority shall be made in accordance with the regulations otherwise applicable to complaints concerning such decisions. The Minister may, however, authorize departures from these provisions.

2. The Minister may also prescribe regulations concerning the establishment of safety zones surrounding installations used for such exploration or exploitation. The maximum extent of such zones shall be 500 metres round the installation, measured from any point at its outer edge. The Minister may prescribe rules concerning sailing in safety zones and, in that connexion, may prohibit access to them by unauthorized ships.

3. The Minister of Public Works shall draw up the regulations specified in paragraphs 1 and 2 of this article in consultation with the ministers responsible for dealing with matters of this kind.

Article 5. 1. Violations of the exclusive right of the State under article 1 shall be punishable by a fine or term of detention not exceeding six months save where a higher penalty is applicable under another law.

2. Any failure to comply with the conditions governing a concession or licence granted in pursuance of this Act or in pursuance of the laws specified in article 2, paragraph 1, and article 6, shall be punishable by a fine save where a higher penalty is applicable under another law.

3. Rules issued in pursuance of article 4 may provide for a penalty of a fine for any violation of such rules.

4. In the case of offences committed by joint-stock companies, co-operative societies or the like, the company or society as such may be held liable.

Article 6. In the case of installations and safety zones (cf. article 3, paragraph 1) situated or established in the part of the continental shelf appertaining to Greenland, the law otherwise applicable to Greenland shall apply. The Minister for Greenland shall exercise the powers specified in articles 2 and 4 in compliance with the regulations laid down in the Act concerning mineral raw materials in Greenland.

Article 6. (a) 1. In the event that a sole permit is issued under article 2, paragraph 3 of this Act the Minister for Public Works shall be empowered to revoke any permits issued prior to January-, 1972, under the second sentence of article 2, paragraph 1 of this Act in so far as the sole permit is issued for raw materials and areas comprised by previous permits.

2. Any party whose permit for recovery of raw materials is revoked in pursuance of paragraph 1 hereof shall be entitled to compensation from the Treasury for any loss thus incurred. Article 12, paragraphs 2 and 3 of the Utilization of Stone, Gravel and Other Natural Resources in the Soil and Territorial Waters Act are similarly applicable.

3. The Minister for Public Works shall be empowered to decide that such restrictions as may be imposed on a sole permit in pursuance of article 2, paragraph 4, subparagraph a of this Act shall be applicable to any permits issued prior to January 1972, under the second sentence of article 2, paragraph 1 of this Act.

6. FIJI

(a) CONTINENTAL SHELF ACT, 1970¹

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 coasts of the islands of Fiji, but beyond the territorial limits of Fiji, to a depth of two hundred metres below the surface of the sea, or beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

“Designated area” means an area designated by an order made under the provisions of subsection (2) of the next succeeding section;

“Installation or device” means any installation, or equipment or other property whatsoever that is constructed, erected or placed in a designated area for the purpose of the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof;

. . .

“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;

“Petroleum” means

(a) Any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;

(b) Any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(c) Any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide, and includes any petroleum as defined in paragraph (a), (b), or (c) of this definition that has been returned to a natural reservoir.

3. Exploration and exploitation of continental shelf

(1) All rights exercisable with respect to the continental shelf appertaining to Fiji and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.

(2) The Minister may from time to time by order² designate any area comprising

(a) Areas within the territorial limits of Fiji; and

(b) Areas of superjacent waters of the continental shelf, as being an area to which the provisions of this Act apply and, in respect of any areas of

¹ Act No. 9 of 1970; 30 December 1970. Provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

² See Continental Shelf Act, 1970: Designation of Area Order, *infra* (c).

superjacent waters of the continental shelf included therein, within which the rights referred to in the last preceding subsection are exercisable.

(3) In relation to:

(a) Any petroleum with respect to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to the exploration for, and exploitation of, petroleum in Fiji;

(b) Any minerals with respect to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to mining in Fiji; and

(c) Any sedentary species of shell-fish or sponges as to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to fisheries in Fiji,

as far as they are applicable and with any necessary modifications shall, subject to the provisions of this Act and of any order made under the provisions of the next succeeding subsection, apply with respect to petroleum, minerals and sedentary species of shell-fish or sponges respectively in or on the continental shelf within a designated area as if:

- (i) Every reference to Fiji in any of those Acts included a reference to the continental shelf within that designated area;
- (ii) Every reference to land in any of the Acts referred to in paragraph (a) or (b) of this subsection, included a reference to the continental shelf within that designated area; and
- (iii) Every reference to the territorial waters of Fiji in any Act referred to in paragraph (c) of this subsection, included a reference to the continental shelf and to the waters of the sea above that shelf within that designated area.

(4) The Minister may from time to time by order modify or exclude any of the provisions of any of the Acts referred to in the last preceding subsection to such extent as may be necessary for the purpose of giving full effect to the provisions of that subsection.

4. *Application of laws*

(1) Subject to the provisions of this Act the provisions of all laws for the time being in force in Fiji and all instruments having effect under any such laws (hereinafter in this Act referred to as the "applied provisions") shall apply as provided by this section, to the superadjacent waters of the continental shelf within every designated area as if such waters were part of Fiji.

(2) The applied provisions shall apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the continental shelf in a designated area and the exploitation of the natural resources of that shelf.

(3) Without limiting the operation of the last preceding subsection the applied provisions shall apply:

(a) To and in relation to:

- (i) Any act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) Any matter, circumstance or thing that exists or arises with respect to or in connexion with, any installation or device that is in a designated area for any reason touching, concerning, arising out of or connected with the exploration of the continental shelf in that designated area or the exploitation of the natural resources of that shelf;

(b) To and in relation to any person:

- (i) Who is in, on, above, below or in the vicinity of any such installation or device; or
- (ii) Who is in a designated area for any reason touching, concerning, arising out of or connected with the exploration of the continental shelf in a designated area or the exploitation of the natural resources of that shelf; or
- (iii) In respect of his carrying on any operation or doing any work in a designated area for any reason of the kind referred to in the last preceding subparagraph.

(4) For the purposes of this section a law shall be taken to be a law in force in Fiji notwithstanding that that law applies to part only of Fiji.

(5) Subject to the provisions of the two next succeeding subsections jurisdiction is conferred on the several courts of Fiji in all matters arising under the applied provisions.

. . .

5. *Application of customs laws*

Without limiting the provisions of any law relating to the Customs, every installation or device, and any materials or parts used in the construction of an installation or device, which is brought into a designated area from any port or place beyond the seas shall be deemed to have been imported into Fiji when the installation or device is constructed, erected or placed in, on or above the sea-bed within such designated area in connection with the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof.

6. *Safety zones for protection of installations in designated areas*

(1) The Minister may, for the purpose of protecting any installation or device in any designated area, by order prohibit ships, subject to any exceptions provided by such order, from entering or remaining in any area specified in such order (hereinafter in this Act referred to as a "safety zone") without the permission of the Minister.

(2) A safety zone specified in an order made under the provisions of the last preceding subsection may extend to a distance of five hundred metres around the installation or device specified in such order measured from each point of the outer edge of the installation or device.

(3) If any ship enters or remains in any part of a safety zone in contravention of an order made under this section, the owner or master of such ship shall be guilty of an offence and shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment unless he proves that the prohibition was not, and could not on reasonable inquiry have become, known to the master.

7. *Safety of navigation*

(1) No person shall without the consent in writing of the Minister in any designated area

(a) Construct, alter or improve any works on, under or over any part of the sea-bed; or

(b) Remove any object or any material from any part of the sea-bed, in such manner that any obstruction or danger to navigation is caused or is likely to arise.

...

(3) If the Minister is of the opinion that any operation in respect of which an application is made to him under the provisions of this section will cause or is likely to cause any obstruction or danger to navigation he may either refuse his consent or may give his consent subject to such conditions as he thinks fit having regard to the nature and extent of the obstruction or danger which appears to him would otherwise be caused or be likely to result.

...

8. *Enforcement*

(1) Any person who

(a) Carried out any operation in contravention of the provisions of subsection (1) of the last preceding section; or

(b) Fails to comply with any condition subject to which the consent of the Minister has been given under that section,

shall be guilty of an offence and liable to a fine not exceeding three thousand dollars.

(2) Without prejudice to any proceedings under the provisions of the last preceding subsection, where any person has constructed, altered or improved any works in contravention of the provisions of the last preceding section or has failed to comply with any condition subject to which the consent of the Minister was given under that section, the Minister may serve a notice on such person requiring him within such period, not being less than thirty days, as may be specified in the notice, or if it appears to the Minister urgently necessary so to do, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(3) If within the period specified in any notice served under the provisions of the last preceding subsection the person upon whom the notice is served fails to comply therewith, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(4) In any case in which the Minister, exercising the powers conferred by either of the two last preceding subsections, arranges for the works to be removed or altered he shall be entitled to recover as a civil debt the expenses thereof, as certified by him, from the person by whom the works were constructed, altered or improved.

9. *Discharge of oil*

(1) If in any designated area any oil to which the provisions of this section apply 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 pipeline; or

(b) As a result of any operations for the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof in a designated area,

the owner of the pipeline 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.

(2) The provisions of this section apply to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under the provisions of this section, and to any other description of oil which may be so defined by the Minister having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea.

(3) Any person guilty of an offence under the provisions of this section shall be liable, on conviction, to a fine of three thousand dollars.

...

11. *Prosecution of offences*

(1) Proceedings for any offence under this Act (including an offence under any of the applied provisions) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in Fiji.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of the last preceding subsection, "director" in relation to any statutory corporation, the affairs of which are managed by its members, means a member of that corporation.

...

(b) OIL MINES ORDINANCE OF 28 DECEMBER 1915, AS AMENDED UP TO 1969, articles 2-5, and 7¹

(c) CONTINENTAL SHELF ACT, 1970: DESIGNATION OF AREA ORDER OF 16 APRIL 1971 BY MINISTER FOR NATURAL RESOURCES²

In exercise of the powers conferred upon me by subsection (2) of section 3 of the Continental Shelf Act, 1970,³ I have designated the area lying between

¹ *Supra* DIVISION 1, SUBDIVISION A, Chapter IX, 5.

² Legal Notice No. 46. *Fiji Royal Gazette Supplement*, No. 14; 23 April 1971, p. 83.

³ *Supra* (a).

latitudes 15 degrees 30 minutes south and 21 degrees 30 minutes south as contained by meridians of longitude 176 degrees 30 minutes east and 178 degrees west as being an area to which the provisions of that Act apply and, in respect of any areas of superjacent waters of the continental shelf included therein, within which the rights referred to in subsection (1) of section 3 of that Act are exercisable.

7. FRANCE

(a) CODE DES DOUANES, MODIFIÉ EN 1969¹

Article 63 bis. Les agents des douanes peuvent à tout moment visiter les installations et dispositifs du plateau continental. Ils peuvent également visiter les moyens de transport concourant à son exploration ou à l'exploitation de ses ressources naturelles, à l'intérieur des zones de sécurité prévues par la loi et dans la zone maritime du rayon des douanes.

...

TITRE VII

...

Chapitre V. Plateau continental

Article 196 quater. Les produits extraits du plateau continental sont considérés comme extraits d'une nouvelle partie du territoire douanier.

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

Article 196 quinquies. 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.

...

(b) DÉCRET N° 71-360 DU 6 MAI 1971², PORTANT APPLICATION DE LA LOI N° 68-1181³ DU 30 DÉCEMBRE 1968 RELATIVE À L'EXPLORATION DU PLATEAU CONTINENTAL ET À L'EXPLOITATION DE SES RESSOURCES NATURELLES

TITRE 1^{er}. DES AUTORISATIONS D'EXPLORATION ET D'EXPLOITATION

Section 1. Dispositions communes à toutes les activités d'exploration ou d'exploitation

Article premier. Sous réserve des dispositions de l'article 15, les autorisations prévues au présent titre ne peuvent être accordées qu'aux personnes qui possèdent un établissement en France métropolitaine et s'engagent à observer toutes les obligations et toutes les formalités qui résultent du droit d'explorer le plateau continental de la République et d'en exploiter les ressources naturelles.

¹ Modifié par le décret n° 69-268 du 14 mars 1969, *Journal officiel*, 28 mai 1969, p. 3096.

² *Journal officiel*, 15 mai 1971, p. 4692.

³ *Ibid.*, 31 décembre 1968, p. 12404. Reproduite partiellement dans ST/LEG/SER.B/15, p. 356 à 359.

Toutefois, les personnes qui possèdent un établissement dans les départements ou territoires d'outre-mer sont considérées comme satisfaisant à la condition d'établissement prévue ci-dessus lorsqu'elles ont élu domicile en France métropolitaine.

Article 2. Les demandes d'autorisation sont, au cours de la procédure d'instruction, soumises pour avis au centre national pour l'exploitation des océans qui, dans le délai d'un mois, les examine en tenant compte, notamment, des autres activités en cours ou en projet.

*Section 2. Activités d'exploration ou d'exploitation concernant
les substances minérales ou fossiles*

Article 3. L'autorisation prévue par l'article 2 de la loi susvisée du 30 décembre 1968 est constituée, en ce qui concerne l'exploration et l'exploitation des substances minérales ou fossiles, soit par une autorisation de prospections préalables, qui sera délivrée dans des conditions fixées par décret en Conseil d'Etat, soit par un permis exclusif de recherches de mines, un permis d'exploitation de mines ou une concession de mines, qui seront dénommés "Titres miniers" dans les articles ci-après.

Article 4. Sans préjudice des dispositions de l'article 34 de la loi susvisée du 30 décembre 1968, toutes activités de prospection, d'exploration ou d'exploitation exercées sur le plateau continental et portant sur des substances minérales et fossiles sont soumises aux déclarations, au contrôle et à la communication de renseignements prévus aux articles 131 à 135 du code minier.

La déclaration prévue à l'article 131 dudit code est obligatoire, quelle que soit la profondeur des fouilles et sondages exécutés sur le plateau continental.

Article 5. Les demandes de titres miniers portant en totalité ou en partie sur le plateau continental sont établies et instruites selon les dispositions qui sont prévues par le code minier et les textes pris pour son application en matière de titres miniers concernant le fond de la mer, notamment le décret susvisé du 29 octobre 1970.

La conférence prévue à l'article 1^{er}, 3^o, dudit décret examine notamment si les activités projetées sont compatibles avec les dispositions des conventions ou accords sur le plateau continental auxquels la France est partie.

Article 6. Le décret ou l'arrêté portant octroi du titre minier désigne le préfet qui exercera les attributions dévolues à l'autorité préfectorale par la législation et la réglementation minières applicables.

Article 7. Le titulaire d'un titre minier doit adresser au préfet, avec copie à l'ingénieur en chef des mines, ses programmes de travaux quarante-cinq jours au moins avant la date prévue pour leur mise à exécution.

Article 9. Sans préjudice des pouvoirs qu'il tient du code minier, le préfet peut, si la commission estime que l'exécution des programmes présentés à son examen doit porter atteinte à la création, au développement ou à l'extension des ports, nuire à la stabilité des rivages, comporter des risques de pollution, entraver la pose, l'entretien ou le fonctionnement des câbles de télécommunications sous-marins, des câbles d'énergie ou des pipe-lines sous-marins, ou doit gêner de manière injustifiable la navigation, la pêche, la défense nationale,

les liaisons de télécommunications, la conservation des ressources biologiques de la mer ou les recherches océanographiques fondamentales, interdire les travaux en tout ou en partie ou les soumettre à des conditions particulières. La décision du préfet est notifiée au titulaire.

En l'absence de notification de la décision du préfet dans le délai de quarante-cinq jours suivant la présentation du programme de travaux, le titulaire peut procéder à l'exécution de ce programme.

Le titulaire peut se pourvoir contre la décision du préfet auprès du ministre du développement industriel et scientifique, qui saisit le ou les ministres intéressés. Il est statué par décision conjointe desdits ministres.

Le titulaire rend compte au préfet de l'exécution des programmes.

Article 10. Après avis de la commission, le préfet maritime prescrit, le cas échéant, qu'il sera établi une ou plusieurs zones de sécurité dans les conditions prévues à l'article 4 de la loi susvisée du 30 décembre 1968.

Il peut déterminer les restrictions de survol des installations et des zones de sécurité.

A l'intérieur de la zone de sécurité, il exerce les pouvoirs de police qu'il assume dans les eaux territoriales.

...

Section 3. Activités d'exploration ou d'exploitation ne concernant pas les substances minérales ou fossiles

Article 14. L'autorisation d'entreprendre sur le plateau continental une activité tendant à la découverte ou à l'exploitation de ressources naturelles autres que les substances minérales ou fossiles est accordée par le ministre exerçant la tutelle du centre national pour l'exploitation des océans, après avis du ministre chargé de la marine marchande et des autres ministres intéressés. Toutefois, en ce qui concerne les établissements de pêche ou de culture marine mentionnés à l'article 2, deuxième alinéa, de la loi du 30 décembre 1968, l'autorisation est délivrée par le ministre chargé des pêches maritimes, après avis du centre national pour l'exploitation des océans.

Article 15. Par dérogation aux dispositions de l'article 1^{er} du présent décret, l'octroi d'une autorisation de recherches de nature purement scientifique concernant notamment les caractères physiques ou biologiques du plateau continental n'est pas subordonné à la possession d'un établissement en France par la personne qui en fait la demande. L'autorisation est demandée au ministre chargé de la recherche scientifique, qui prend l'avis des autres ministres intéressés, notamment celui du ministre des affaires étrangères si le demandeur est de nationalité étrangère.

TITRE II. SIGNALISATION DES INSTALLATIONS ET DISPOSITIFS ET TRANSMISSION DES INFORMATIONS NAUTIQUES

Section 1. Signalisation des installations et dispositifs

Article 16. Les règles générales techniques relatives à la signalisation prescrite par l'article 11 de la loi susvisée du 30 décembre 1968 sont fixées par

arrêté du ministre de l'équipement et du logement, pris après avis de la commission des phares.

TITRE IV. DISPOSITIONS GÉNÉRALES

Article 23. Les fonctionnaires et agents de l'Etat, et éventuellement des établissements publics nationaux, ainsi que toutes autres personnes habilitées à exercer des fonctions en application des lois et règlements visés à l'article 5 de la loi susvisée du 30 décembre 1968 exercent leurs attributions respectives sur les installations et dispositifs mentionnés à l'article 3 de ladite loi et à l'intérieur des zones de sécurité mentionnées à l'article 4 de cette loi dans les mêmes conditions que sur le territoire national, terrestre ou maritime.

Le préfet désigné selon l'article 6 du présent décret exerce sur les installations et dispositifs et, le cas échéant, à l'intérieur des zones de sécurité les attributions de police administrative dévolues au préfet dans un département dans les conditions et sous les réserves prévues par l'article 5 de la loi précitée.

Article 24. La compétence des juridictions dans le ressort desquelles est situé le point de la côte le plus rapproché des installations et dispositifs visés à l'article 3 de la loi susvisée du 30 décembre 1968 ainsi que des zones de sécurité visées à l'article 4 de ladite loi est étendue auxdites installations, dispositifs et zones de sécurité. Demeurent applicables les règles de compétence territoriale autres que celles qui dérivent du lieu d'un fait survenu sur une installation ou un dispositif ou dans une zone de sécurité, et notamment la règle prévue aux alinéas 1 et 2 de l'article 358 du code des douanes.

Article 25. Les attributions de police judiciaire des services de police et de gendarmerie ayant compétence dans le ressort du tribunal de grande instance ou, pour les territoires d'outre-mer, du tribunal de première instance déterminé conformément à l'article précédent s'exercent sur les installations et dispositifs ainsi que dans les zones de sécurité visées auxdits articles.

Il en est de même en ce qui concerne les attributions des fonctionnaires et agents chargés de certaines fonctions de police judiciaire.

Article 26. Le service des douanes doit être préalablement informé par le propriétaire ou l'exploitant de la mise en place, du déplacement ou de l'enlèvement d'une installation ou d'un dispositif.

Article 27. Il est tenu sur les installations et dispositifs prévus à l'article 3, 1°, de la loi susvisée du 30 décembre 1968 un registre des hydrocarbures. La forme suivant laquelle sera tenu ce registre et les mentions qui devront y figurer seront précisées par un arrêté conjoint du ministre du développement industriel et scientifique, du ministre chargé de la marine marchande et du ministre de l'économie et des finances.

TITRE V. MESURES PARTICULIÈRES CONCERNANT L'EXPLORATION ET L'EXPLOITATION DU PLATEAU CONTINENTAL ADJACENT AUX TERRITOIRES D'OUTRE-MER

Article 28. Les dispositions du présent décret sont applicables aux personnes entreprenant l'exploration ou l'exploitation des ressources du plateau continental adjacent aux territoires d'outre-mer, sous réserve des conditions particulières prévues aux articles suivants.

Article 29. Pour l'application des dispositions des titres I^{er} et IV ci-dessus, le délégué du Gouvernement dans les territoires est substitué au préfet.

Pour l'application de l'article 10 ci-dessus, le délégué du Gouvernement dans le territoire est investi des pouvoirs confiés au préfet maritime.

De même pour l'application des dispositions du titre II ci-dessus, le délégué du Gouvernement est compétent pour remplir les fonctions dévolues à l'ingénieur en chef des services maritimes des ponts et chaussées.

Pour l'exercice des attributions qui lui sont confiées, le délégué du Gouvernement pourra déléguer sa signature à tout fonctionnaire compétent relevant d'un service de l'Etat dans le territoire.

Article 30. Le délégué du Gouvernement correspond directement avec les ministres compétents; une copie de ses correspondances est adressée au ministre chargé des territoires d'outre-mer, qui, le cas échéant, fait part de ses observations au ministre compétent.

Un représentant du ministre chargé des territoires d'outre-mer siège à la conférence prévue à l'article 1^{er}, 3^o, du décret susvisé du 29 octobre 1970 lorsqu'une affaire intéressant un territoire d'outre-mer y est examinée.

Article 32. Dans les territoires d'outre-mer, les délais de quarante-cinq jours prévus aux articles 7 et 9 ci-dessus sont portés à soixante jours et le délai de trente jours prévu à l'article 8 ci-dessus est porté à quarante jours.

Article 33. Les salariés exerçant leur activité sur des installations ou dispositifs situés sur le plateau continental adjacent à un territoire d'outre-mer bénéficient du régime du travail et de prévoyance sociale en vigueur dans ce territoire, à moins qu'ils ne soient déjà soumis à un autre régime.

(c) DÉCRET N° 71-362, DU 6 MAI 1971, RELATIF AUX AUTORISATIONS DE PROSPECTIONS PRÉALABLES DE SUBSTANCES MINÉRALES OU FOSSILES DANS LE SOUS-SOL DU PLATEAU CONTINENTAL¹

Article premier. Sous réserve des dispositions de l'article 5 du présent décret, l'autorisation de prospections préalables de substances minérales ou fossiles dans le sous-sol du plateau continental est accordée pour une surface définie et pour une durée n'excédant pas deux ans par le ministre chargé des mines dans les conditions définies aux articles 2 à 4 ci-après.

Cette autorisation donne à son titulaire le droit non exclusif d'exécuter tous travaux de recherches à l'exclusion des sondages dépassant une profondeur de 300 mètres.

Ces travaux sont soumis aux règles de police et de sécurité régissant les travaux effectués en vertu d'un permis exclusif de recherches de mines.

L'autorisation de prospections préalables ne donne pas le droit de disposer du produit des recherches.

Elle devient caduque de plein droit lors de l'attribution d'un titre minier, pour les surfaces et les substances intéressées par celui-ci :

Elle peut-être retirée en cas d'inobservation des règlements;

¹ *Journal officiel*, 15 mai 1971, p. 4695.

Le titulaire d'une autorisation de prospections préalables peut demander à y renoncer;

Les arrêtés ministériels prononçant le retrait ou acceptant la renonciation sont publiés au *Journal officiel*.

Article 2. La demande d'autorisation de prospections préalables est adressée au ministre chargé des mines . . .

. . .

Article 5. Les demandes de prospections préalables portant sur des substances comprises dans l'appellation de matériaux de construction, d'empierrement ou de viabilité pour une période ne dépassant pas trois mois sont adressées au préfet du ou des départements les plus proches compris entre le prolongement soit des méridiens, soit des parallèles limitant la zone à prospector. Copies de la demande et de ses annexes sont envoyées au ministre, au centre national pour l'exploitation des océans et à l'ingénieur en chef des mines. Il est précisé, dans chaque envoi, qu'il est fait en application du présent article. Le programme des travaux doit être joint à la demande.

8. GREECE

DÉCRET-LOI N° 142/1969 RELATIF À L'EXPLORATION ET À L'EXPLOITATION DES RESSOURCES MINÉRALES SE TROUVANT DANS LE FOND DE LA MER ET DES LACS, article premier¹

9. IRAN

ACT OF 18 JUNE 1955 ON THE EXPLORATION AND EXPLOITATION OF THE NATURAL RESOURCES OF THE CONTINENTAL SHELF OF IRAN²

Article 1. The term "Falate Gharreh" used in this Act, shall have the same meaning as the term "Continental Shelf" in English or "Plateau continental" in French.

Article 2. The (submarine) areas as well as the natural resources of the sea-bed and the subsoil thereof, up to the limit of the continental Shelf adjacent to the Iranian coast and to the coasts of Iranian islands in the Persian Gulf and the Sea of Oman have belonged and shall continue to belong to Iran and shall remain under its sovereignty.

Note: In respect of the Caspian Sea, the principles of International Law relating to closed seas shall remain applicable.

10. KHMER REPUBLIC

KRAM (LOI) N° 380/68-CE DU 16 DÉCEMBRE 1968 PORTANT RÉGLEMENTATION MINIÈRE, articles 1, 2, 5, 7, 12, 17, 36, 37, 55, 58, 71, 80-82³

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 6.

² English text provided by the Minister for Foreign Affairs of Iran in a note verbale of 16 July 1972. In accordance with the information contained in the note, this English text replaces the French text reproduced in ST/LEG/SER.B/15, pp. 366-367.

³ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 7.

11. KUWAIT

INFORMATION CONCERNING THE BOUNDARY OF THE CONTINENTAL SHELF¹

Kuwait is not a party to the Convention on the Continental Shelf which was signed at Geneva on 29 April 1958. However, Kuwait is aware of the provisions of that Convention, and in exercise of its sovereign right has adopted the "median line" in delimiting the boundary of the continental shelf with its neighbours.

12. MADAGASCAR

- (a) CODE PÉTROLIER, 1962, articles 1-4, 6-8, 18-21, 26, 28, 30, 83 et 84²
 (b) LOI N° 70-016 DU 15 JUILLET 1970 PORTANT RÉGLEMENTATION MARITIME DES INSTALLATIONS ET AUTRES DISPOSITIFS SUR LE PLATEAU CONTINENTAL³

CHAPITRE I. EXERCICE DE LA SOUVERAINETÉ SUR LE PLATEAU CONTINENTAL DÉFINITIONS

Article premier. La République exerce, conformément à la Convention de Genève du 29 avril 1958, des droits souverains sur le plateau continental malgache.

Article 2. Tous "dispositifs" et "installations" construits aux fins d'exploration et d'exploitation du plateau continental sont soumis aux dispositions de la présente Loi.

Article 3. Les expressions "dispositifs" et "installations" désignent

- a) Les plates-formes
- b) Les autres engins d'exploration et d'exploitation ainsi que leurs annexes
- c) Les bâtiments de mer qui participent directement aux opérations d'exploration et d'exploitation.

CHAPITRE II. RÉGIME JURIDIQUE DES DISPOSITIFS ET INSTALLATIONS

Article 4. Lorsqu'ils sont susceptibles de flotter les dispositifs et installations sont soumis aux lois et règlements concernant l'immatriculation, le permis de circulation ou de navigation ainsi qu'au règlement relatif à la prévention des abordages en mer pendant le temps où ils flottent.

Article 5. Sauf dérogation spéciale accordée par le Ministère de l'Équipement et des Communications tout transport maritime ou aérien à destination des dispositifs et installations mis en place sur le plateau continental adjacent est réservé aux navires et aéronefs malgaches.

Article 6. Les dispositifs et installations définis ci-dessus sont meubles et susceptibles d'hypothèques dans les conditions prévues par le Code maritime.

CHAPITRE III. STATUT DU PERSONNEL MARITIME

Article 7. Pour la mise en œuvre de la présente Loi et de ses règlements d'application, la personne assumant sur ces dispositifs et installations la con-

¹ Provided by the Permanent Mission of the State of Kuwait to the United Nations in a note verbale of 12 July 1971.

² *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 8.

³ Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note en date du 15 décembre 1971.

duite des travaux d'exploration ou d'exploitation est considérée comme le Capitaine au sens du Code maritime.

Article 8. Sont considérés comme marins, au sens de la présente Loi, les personnels en poste permanent qui s'occupent de la conduite, de la manœuvre, de la mise en place, de l'entretien et de la sécurité des dispositions et installations.

Article 9. Les marins malgaches qui concourent à bord des dispositifs et installations aux activités définies ci-dessus sont soumis aux dispositifs du Code maritime.

CHAPITRE IV. DISPOSITIONS RELATIVES AUX MESURES DE SÉCURITÉ

Article 10. Il sera délimité autour des dispositifs et installations définis ci-dessus 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.

Article 11. Il est interdit de pénétrer sans autorisation dans la zone de sécurité par quelque moyen que ce soit pour des raisons étrangères aux opérations d'exploration et d'exploitation.

Article 12. Des restrictions peuvent être apportées au survol des dispositifs et installations et des zones de sécurité dans la mesure nécessaire à la protection de ces dispositifs et installations et à la sécurité de la navigation aérienne.

Article 13. Les dispositifs et installations sont soumis aux conventions, lois et règlements concernant la sauvegarde de la vie humaine en mer.

...

CHAPITRE V. SIGNALISATION

Article 15. Le propriétaire, l'exploitant d'un dispositif ou d'une installation et le capitaine sont responsables, chacun en ce qui le concerne, de l'installation, du fonctionnement et du maintien constant en bon état de sa signalisation.

...

Article 18. Les informations nautiques relatives aux activités d'exploration et d'exploitation du plateau continental, notamment celles concernant la zone de sécurité, la signalisation, la mise en place et les mouvements des installations et dispositifs, doivent être transmises aux autorités administratives maritimes.

CHAPITRE VI. DISPOSITIONS PÉNALES

Article 19. Toute personne qui aura détruit volontairement ou dans une intention criminelle une installation ou un dispositif quelconque par quelque moyen que ce soit sera punie des peines édictées par les articles 434 et 435 du Code pénal.

Article 20. Quiconque, sauf cas de force majeure, aura irrégulièrement pénétré à l'intérieur d'une zone de sécurité définie ci-dessus, après que les autorités compétentes auront pris les mesures appropriées en vue de permettre aux navigateurs d'avoir connaissance de la situation de cette zone, sera puni d'un emprisonnement d'un à deux mois et d'une amende de 25 000 à 1 250 000 francs, ou de l'une de ces deux peines seulement.

En cas de récidive, les peines prévues au paragraphe précédent seront portées au double.

Article 21. Quiconque aura entrepris sur le plateau continental une activité en vue de son exploration ou de l'exploitation de ses ressources sans être muni de l'autorisation prévue par le Code pétrolier et la loi minière ou sans que soient respectées les conditions fixées par cette autorisation sera puni d'un emprisonnement d'un à trois mois et d'une amende de 50 000 à 1 000 000 francs ou de l'une de ces deux peines seulement.

En cas de récidive, les peines prévues au paragraphe précédent seront portées au double.

Article 22. Sans préjudice de l'application des lois et règlements concernant la répression de la pollution des eaux de mer par les hydrocarbures, sera puni d'une amende de 100 000 à 1 000 000 francs, et, en cas de récidive, d'un emprisonnement d'un à six mois et d'une amende de 250 000 à 2 500 000 de francs, ou de l'une de ces deux peines seulement, quiconque aura, au cours d'exploration et d'exploitation des ressources naturelles du plateau continental, déversé ou laissé échapper dans la mer, à partir d'une installation ou d'un dispositif défini ci-dessus, des produits énumérés à l'article 3, 1°, de la Convention internationale pour la prévention de la pollution des eaux de la mer par les hydrocarbures, signée à Londres le 12 mai 1954¹, tels qu'ils sont définis à l'article premier, 1°, de ladite Convention.

...

CHAPITRE VII. DISPOSITIONS DIVERSES

Article 30. Pour s'assurer que le propriétaire ou l'exploitant ou le capitaine des dispositifs et installations satisfont aux obligations mises à leur charge par la présente loi, les personnes énumérées à l'article 29 ont accès dans la zone de sécurité, aux installations et dispositifs, ainsi qu'aux appareils de signalisation.

Article 31. La mise en place des installations et dispositifs ne doit pas gêner gravement les activités traditionnelles de la mer, notamment en ce qui concerne la pêche et la navigation maritime.

...

Article 34. Le propriétaire ou l'exploitant des dispositifs et installations doit obligatoirement souscrire une assurance pour couvrir sa responsabilité pour dommages par pollution de la mer et du rivage.

13. MALAYSIA

(a) CONTINENTAL SHELF ACT, 1966, AS AMENDED IN 1969²

1. Citation and application

...

(2) This Act shall apply throughout Malaysia.

¹ Nations Unies, *Recueil des Traités*, vol. 327, p. 3.

² The 1966 Act (Act of Parliament No. 57 of 1966; 28 July 1966) is reproduced in part in ST/LEG/SER.B/15, pp. 375-378. The amendments were made by PU (A) 467/69. Only the amended parts are reproduced here.

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 Malaysia but beyond the limits of the territorial waters¹ adjacent to the States of Malaya, Sabah and Sarawak, the surface of which lies at a depth no greater than 200 metres below the surface of the sea, or, where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth.

...

4. Exploration, prospecting and mining of petroleum and other minerals on continental shelf

(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; and the provisions of that Act shall apply in all respects to the exploration, prospecting and mining for petroleum in the sea-bed or subsoil of the continental shelf.

...

5. Application of criminal and civil law

(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:

...

(e) Without limiting the provisions of the Customs Act, 1967, 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.

...

6. Power to make regulations

...

(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 Malaysia:

Provided that nothing in this section shall affect the rights and powers of the State Authority under the appropriate land law or any other written law in respect of areas within the limits of the territorial waters of the State.

¹ For the definition of the territorial waters, see Emergency (Essential Powers) Ordinance, No. 7, 1969, as amended, Sections 3 and 4, *supra* DIVISION 1. SUBDIVISION A, Chapter 1, 13.

(b) PETROLEUM MINING ACT, 1966, AS AMENDED IN 1969¹1. *Citation, commencement and application*

...

(2) This Act shall apply throughout Malaysia:

Provided that in its application to Sabah and Sarawak this Act shall have effect only with respect to the exploration, prospecting or mining for petroleum in off-shore land.

2. *Interpretation*

...

“Foreshore” means all that land lying between the shore line and the low-water mark of ordinary spring tides;

“Land” means in relation to the States of Malaya any area of on-shore land and includes off-shore land adjacent to and contiguous with such on-shore land and in relation to the States of Sabah and Sarawak only the area of off-shore land;

...

“On-shore land” includes the foreshores and submarine areas beneath the territorial waters² of the States of Malaya, Sabah and Sarawak;

...

13.

(1) ...

(2) *Extent of repeal of the mining ordinances of Sabah and Sarawak.* The Mining Ordinance of Sabah, the Oil Mining Ordinance of Sarawak and any other State law in force in Sabah or Sarawak relating to mining shall continue in force except in relation to the exploration, prospecting or mining for petroleum in off-shore land and the provisions of the said Ordinances and any such law insofar as they relate to the exploration, prospecting or mining for petroleum in off-shore land shall upon the commencement of this Ordinance cease to have force or effect.

...

14. MALTA

CONTINENTAL SHELF ACT, 1966³

...

2. *Interpretation*

In this Act, unless the context otherwise requires:

¹ The 1966 Act (Act of Parliament No. 58 of 1966; 1 December 1966) is reproduced in part in ST/LEG/SER.B/15, pp. 378-379. The amendments were made by PU(A) 467/69. Only the amended sections are reproduced here.

² For the definition of the territorial waters, see Emergency (Essential Powers) Ordinance, No. 7, 1969, as amended, Section 3 and 4, *supra* DIVISION I, SUBDIVISION A, Chapter 1, 13.

³ Act No. XXXV of 1966. Passed by the House of Representatives on 22 July 1966, and assented to by the Governor-General on 28 July 1966. Text provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.

“The continental shelf” means the sea-bed and subsoil of the submarine areas adjacent to the coast of Malta but outside territorial waters, 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; so however that where in relation to states of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other State or States is measured;

“Malta” has the same meaning as is assigned to it by section 126 of the Constitution of Malta;

“Natural resources” means the mineral and other non-living resources of the sea-bed and subsoil as well as the living organisms belonging to sedentary species.

3. *Exploration and exploitation of the continental shelf*

(1) Any rights exercisable by Malta with respect to the continental shelf and its natural resources are by this Act vested in the Government of Malta.

(2) In relation to any petroleum with respect to which the rights mentioned in subsection (1) of this section are exercisable, subsection (2) of section 3 (which prohibits any person from searching or boring for or getting petroleum without a licence), section 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and section 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act, 1958,¹ shall apply as they apply in relation to petroleum in Malta.

(3) The Prime Minister may from time to time by order published in the Government Gazette 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.

(4) In this section “petroleum” has the same meaning as in the Petroleum (Production) Act, 1958.

4. *Protection of installations in designated areas*

(1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette 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.

(2) If any ship enters any part of a designated area in contravention of an order under this section its owner or master shall be liable, on summary conviction, to a fine (*multa*) not exceeding one thousand pounds or to imprisonment for a term not exceeding three months, or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

. . .

¹ Act No. IV of 1958. Reproduced *supra* DIVISION I, SUBDIVISION A, Chapter IX, 9 (a).

6. *Application of law in force in Malta*

(1) Any act or omission which:

(a) Takes place on, under or above an installation or other device in a designated area or any waters within five hundred metres of such an installation or device; and

(b) Would, if taking place in any part of Malta, constitute an offence under the law in force in Malta,

shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.

(2) For the purposes of section 743 of the Code of Organisation and Civil Procedure (which relates to jurisdiction) any installation or device in a designated area and any waters within five hundred metres of such an installation or device shall be treated as if they were situated in the island of Malta.

7. *Discharge of oil*

(1) If any oil or any mixture containing not less than one hundred parts of any 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) As a 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.

(2) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine (*multa*) not exceeding one thousand pounds.

8. *Measures to prevent interference with exploitation of continental shelf*

(1) No person shall lay or maintain any submarine cable or pipe-line under the high seas in a designated area without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipe-line or as to any other matter intended to ensure non-interference with the exploration or exploitation of the continental shelf or its natural resources.

(2) Any person who contravenes any of the provisions of this section shall be liable, on summary conviction, to a fine (*multa*) not exceeding fifty pounds for each day during which the offence continues.

9. *Offences by association of persons*

(1) Where an offence under this Act (including an offence under another Act as applied by this Act and anything that is an offence by virtue of subsection (1) of section 6 of this Act) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless

he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) A member of the Police Force shall on any installation or device in a designated area have all the powers, protection and privileges which he has in Malta.

...

15. NIGERIA

PETROLEUM DECREE 1969¹

...

14. (1) In this Decree, unless the context otherwise requires:

...

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of Nigeria the surface of which lies at a depth no greater than two hundred metres (or, where its natural resources are capable of exploitation, at any depth) below the surface of the sea, excluding so much of those areas as lies below the territorial waters of Nigeria;

...

“Explore”, in relation to petroleum, means to make a preliminary search by surface geological and geophysical methods, including aerial surveys but excluding drilling below three hundred feet;

...

“Prospect”, in relation to petroleum, means search for by all geological and geophysical methods, including drilling and seismic operations;

...

16. NORWAY

(a) ROYAL DECREE OF 31 JANUARY 1969, ESTABLISHING RULES RELATING TO SCIENTIFIC RESEARCH FOR NATURAL RESOURCES ON THE NORWEGIAN CONTINENTAL SHELF, ETC.²

By virtue of section 3 of the Act of 21st June, 1963, relating to exploration for and exploitation of natural resources of the sea-bed and its subsoil,³ it is hereby provided:

Section 1. These regulations shall apply to scientific research for the natural resources of the sea-bed or its subsoil in Norwegian internal waters, in Norwegian territorial waters, and in the part of the Continental Shelf which is under Norwegian sovereignty, but not in areas subject to private property rights.

Section 2. The natural resources referred to in these rules consist of the mineral and other non-living resources of the sea-bed and its subsoil together with living organisms belonging to the sedentary species, that is to say, orga-

¹ No. 51 of 1969. Text of section 14 provided by the Permanent Representative of Nigeria to the United Nations in a note verbale of 25 October 1973.

² Unofficial English translation by the Royal Ministry of Industry and Handicrafts provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

³ Reproduced in ST/LEG/SER.B/15, pp. 393-394.

nisms 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.

Section 3. The Royal Ministry of Industry and Handicrafts (hereinafter referred to as the Ministry) may grant licences for scientific research for natural resources in the sea-bed or in its subsoil or in limited areas of same. The licence shall be valid for a specified period of time and shall otherwise be in agreement with this Decree. The Ministry may give additional provisions to ensure the implementation of this Decree and may stipulate supplementary conditions in each separate licence.

Section 4. A scientific research licence may be granted to Norwegian or foreign scientific institutions, scientists and others having a need for conducting scientific researches.

Section 6. A scientific research licence is usually granted for one particular investigation. The licence is free of duty unless otherwise decided in the particular case.

Section 7. Unless otherwise decided, the licence entitles the licensee to carry out the following operations:

- (a) Magnetic surveys;
- (b) Gravimetric surveys;
- (c) Seismic surveys;
- (d) Thermal conductivity measurements;
- (e) Radiometric measurements;
- (f) Collection of samples from the sea-bed or its subsoil, provided that drilling is not involved;

The Ministry may on application grant permission to use other exploration methods.

Section 9. The Ministry may demand in the licence that the Ministry, or anyone authorized by it, shall have the right to participate in, or be represented in the research.

Section 10. The scientific research licence does not give any exclusive right to undertake research in the areas covered by the licence. Nor does it give rights or priority to exploit possible natural resources.

The Ministry may at any time grant exploitation licences to others in the areas covered by the granted scientific research licence without incurring liability, to the licensees mentioned in Section 4.

Section 11. The holder of a scientific research licence shall, without delay, at the termination of the research, submit a report to the Ministry concerning the extent and the execution of the research. The Ministry may stipulate in the licence that reports shall also be submitted whilst the research is in progress.

The holder of a scientific research licence shall within a reasonable period of time submit to the Ministry a detailed report on the results of the research.

The Ministry may require additional information and material to supplement the reports mentioned in paragraphs 1 and 2.

The Ministry may decide that the research results shall be published in a recognized scientific publication or in another manner acceptable to the Ministry. A reasonable number of copies of the relevant publication shall be submitted to the Ministry.

Section 12. The scientific research must be carried out in a safe manner and must not interfere in any unreasonable degree with other activities. Particular care must be taken to avoid unreasonable impediment or nuisance to fishing, shipping, navigation or aviation, damage or risk of damage to marine life, damage or risk of damage to natural resources on the sea-bed or in its subsoil, or to underwater cable or other underwater installations, pollution or risk of pollution to the sea-bed, its subsoil, or the sea or the air.

(b) ROYAL DECREE OF 21 JUNE 1970, ESTABLISHING PROVISIONAL RULES CONCERNING EXPLORATION FOR CERTAIN SUBMARINE NATURAL RESOURCES OTHER THAN PETROLEUM ON THE NORWEGIAN CONTINENTAL SHELF, ETC.¹

Pursuant to section 3 of the Act No. 12 of June 21, 1963 relating to exploration and exploitation of submarine natural resources,² the following rules are provided:

Section 1. These rules shall apply to exploration for certain submarine natural resources other than petroleum—see the definition of petroleum in section 2 of the Royal Decree of April 9, 1965³—on the sea-bed or in its subsoil in Norwegian internal waters, in Norwegian territorial waters and in the part of the Continental Shelf which is under Norwegian sovereignty, but not in areas subject to private property rights.

Any exploration in Norwegian internal waters and in Norwegian territorial waters is subject to the Royal Decrees of February 9, 1968 relating to "Prohibited sea areas"⁴ and "Rules regarding the access of foreign non-military vessels to any part of Norwegian territory in peacetime".⁵

Section 2. For the purpose of this decree, submarine natural resources mean mineral resources other than petroleum, inorganic resources, and coal on the sea-bed and in its subsoil.

Section 3. The Ministry of Industry may grant licences to explore (reconnaissance licences) for certain submarine natural resources on the sea-bed or in its subsoil or in defined parts thereof. Such licences are granted for a period of up to two years.

Section 4. Reconnaissance licences may be granted to Norwegian citizens, corporations, foundations or other associations. The licence is non-assignable.

Section 7. Except as otherwise provided in the licence, it entitles the licensee to carry out the following explorations:

¹ Unofficial English translation by the Royal Ministry of Industry and Handicrafts provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

² Reproduced in ST/LEG/SER.B/15, pp. 393-394.

³ Reproduced *ibid.*, pp. 394-395.

⁴ *Supra* DIVISION I, SUBDIVISION A, Chapter III, 1 (a).

⁵ *Ibid.*, Chapter II, 6 (b).

(a) Geological and geophysical surveys for the purpose of examining the upper strata of the subsoil,

(b) Sampling of the sea-bed or its subsoil, but not exploratory drilling to a greater depth than 25 metres.

The Ministry may upon special application stating the reasons therefor permit the use of other exploration methods.

...

Section 9. A reconnaissance licence does not give any exclusive right to carry out exploration in the areas mentioned in the licence. Nor does it give any precedence or right to exploit possible natural resources.

The Ministry may, upon special application stating the reasons therefor, grant an exclusive right to explore a defined area for a specified period of time. The licence is granted on conditions that are stipulated for each separate case.

The Ministry may at any time grant to others production licences in areas covered by the granted reconnaissance licence without incurring any liability therefor to any reconnaissance licensee.

...

Section 12. The exploration shall be conducted in a proper and safe manner and must insofar as possible not interfere with other activities. Particular care must be taken in the exploration for the purpose as far as possible to avoid creating any difficulty or obstacle to shipping, fishing or aviation, to avoid any harm or hazard to marine fauna or flora, to natural resources on the sea-bed or in its subsoil, including petroleum resources, or to submarine cables or other submarine installations, and to avoid contamination or risk of contamination of the sea-bed, its subsoil, the sea or the air.

The licensee is obliged to comply with instructions regarding safety measures issued by the maritime and port authorities. The costs of such measures will be paid by the licensee.

Section 13. The exploration shall be conducted in accordance with the safety regulations applying at any time to such activities. The rules of the Royal Decree of August 25, 1967 relating to safety regulations etc. for the surveying and drilling for submarine petroleum resources will until otherwise provided be applicable insofar as appropriate.

Section 18. If damage or inconvenience is caused, Norwegian law of torts is applicable. The tort-feasor, his employer and the holder of the reconnaissance licence are jointly and severally liable for the claim.

The fact that the Ministry of Industry has approved or permitted the act or device which has caused the damage or inconvenience, does not exempt from liability.

...

17. OMAN

DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN, articles 3, 4, 7 and 8¹

18. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 4-6²

19. PERU

(a) PETROLEUM LAW OF 12 MARCH 1952³

...

Article 14. For the purposes of this law, the territory of the Republic shall be divided into the following four zones:

...

(4) Continental shelf. This shall be the zone lying between the western limit of the coastal zone and an imaginary line drawn seaward at a constant distance of 200 miles from the low-water line along the continental coast.

...

Article 61. The following shall be reserved areas:

...

(2) The zone designated as the continental shelf.

...

(b) NORMATIVE LEGISLATIVE DECREE NO. 18225 OF 14 APRIL 1970, CONCERNING THE MINING INDUSTRY, article 2⁴

(c) LEGISLATIVE DECREE NO. 18880 OF 8 JUNE 1971, ESTABLISHING GENERAL MINING LAW, preliminary title I and IV, and articles 4, 11 and 197⁵

20. SPAIN

COASTS ACT OF 26 APRIL 1969, article I, par. 4⁶

¹ *Supra* DIVISION I. SUBDIVISION A. Chapter I, 21.

² *Ibid.*, 22.

³ No. 11780 of 1952. Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971) provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

⁴ *Supra* DIVISION I. SUBDIVISION A. Chapter IX, 14 (a).

⁵ *Ibid.*, 14 (b).

⁶ *Ibid.*, Chapter I, 25.

21. SRI LANKA

PROCLAMATION OF 19 DECEMBER 1957 BY THE GOVERNOR-GENERAL ON THE RIGHTS OVER THE CONTINENTAL SHELF AND CONSERVATION ZONES¹

Whereas it is established by international practice that every coastal State, for the purpose of the exploration and the exploitation of the natural resources of the sea-bed and the subsoil of the continental shelf adjoining its territory, has sovereign rights over such sea-bed and subsoil, and it is expedient to declare the rights of the Government of Ceylon in respect of the continental or insular shelf of Ceylon:

Now, therefore, I, Oliver Ernest Goonetilleke, Governor-General of Ceylon do by this Proclamation declare

(1) That the Government of Ceylon has had and shall have full and exclusive sovereign rights over the sea-bed and subsoil of the continental or insular shelf adjoining the territory and beyond the territorial waters of Ceylon and accordingly may cause the exploration and the exploitation of the natural resources of such sea-bed and subsoil.

22. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, sections 2 (k), 10-13²

23. THAILAND

PETROLEUM ACT OF 26 MARCH 1971³

24. UNION OF SOVIET SOCIALIST REPUBLICS

(a) LIST OF SPECIES OF LIVING ORGANISMS WHICH ARE NATURAL RESOURCES OF THE CONTINENTAL SHELF OF THE USSR APPROVED BY ORDER NO. 350 OF 1971 OF THE MINISTRY OF FISHERIES OF THE USSR⁴

I. CRUSTACEANS (*Crustacea*)

A. True crab (*Brachiura*)

1. Cutter crab (*Chionoecetes opilio* and other species of the genus)
2. Hairy crabs (*Erimacrus isenbeckii*, *Telmessus cheiragonus*)
3. Other species of crab found on the continental shelf of the USSR, excluding species capable of swimming in the adult state

¹ *Government Gazette*, No. 11222; 20 December 1957. Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

² *Supra* DIVISION I, SUBDIVISION A, Chapter I, 27.

³ *Ibid.*, Chapter IX, 15.

⁴ Text provided by the Permanent Representative of the Union of Soviet Socialist Republics in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

- B. Anomuran crabs (*Lithodidea*)
 - 4. King crab (*Paralithodes camtschatica*)
 - 5. Blue anomuran crab (*Paralithodes platypus*)
 - 6. Prickly anomuran crab (*Paralithodes brevipes*)
 - 7. Equispinous anomuran crab (*Lithodes aequispina*)
 - 8. Arctic anomuran crab (*Lithodes maja*)
- II. MOLLUSCS (*Mollusca*)
 - C. Bivalve molluscs (*Bivalvia*) suitable for use in foodstuffs or for the production of albuminous preparations, fertilizers, calcareous meal, etc.:
 - 9. Oysters (species of genera *Ostrea*, *Crasostrea*, *Pododesmus*)
 - 10. Mussels (species of genera *Mytilus*, *Crenomytilus*)
 - 11. Mussels (species of genera *Modiola*)
 - 12. Mussels (species of genera *Musculus*)
 - 13. Scallops (species of genera *Chlamys*, *Pecten*, *Patinopecten*)
 - 14. Leda (species of genera *Leda*)
 - 15. File clams (species of genera *Yoldia*, *Megayoldia*, *Cnesterium*)
 - 16. Clams (species of genera *Mactra*, *Spisula*)
 - 17. Cockles (species of genera *Cardium*, *Serripes*, *Cerastoderma*)
 - 18. Venus clams (species of genera *Venus*, *Liocyma*)
 - 19. Tellins (species of genera *Macoma*, *Tellina*)
 - 20. Razor clams (species of genera *Siliqua*, *Solen*)
 - 21. Softshell clams (species of genera *Mya*)
 - D. Gastropod molluscs (*Gastropoda*) excluding species capable of swimming in the adult state (members of family *Pteropoda*)
 - 22. Neptuneans (species of genus *Neptunea*)
 - 23. Whelks (species of genus *Buccinum*)
 - 24. Rapana (species of genus *Rapana*)
- III. ECHINODERMS (*Echinodermata*)
 - E. Sea cucumbers (*Holothuroidea*)
 - 25. Trepang (species of genus *Stylochopus*)
 - 26. Cucumaria (species of genus *Cucumaria*)
 - F. Sea urchins (*Echinoidea*)
 - 27. Common urchin (species of genus *Strongylocentrotus*)
 - G. Starfish (*Asteroidea*)
 - 28. Starfish forming part of the fauna of the continental shelf of the USSR
- H. Brittle stars (*Ophiuroidea*)
 - 29. Brittle stars forming part of the fauna of the continental shelf of the USSR

IV. COELENTERATES (*Coelenterata*)I. Namatocystic coelenterates (*Cnidaria*)

30. Coelenterates attached to or moving along the sea-bed and forming part of the fauna of the continental shelf of the USSR

V. SPONGES (*Porifera*)J. Sponges (*Spongia*)

31. Sponges forming part of the fauna of the continental shelf of the USSR

VI. RED SEAWEEDS (*Rhodophyta*)

K. Red agarophytes

32. Anfeltia (species of genus *Anfeltia*)
33. Furcellaria (species of genus *Furcellaria*)
34. Phyllophora (species of genus *Phyllophora*)
35. Iceland moss (species of genus *Chondrus*)

L. Edible red seaweeds

36. Laver (species of genus *Porphyra*)
37. Seakale (species of genus *Rhodymenia*)

VII. BROWN SEAWEEDS (*Phaeophyta*)

M. Laminaria

38. Blade kelp (species of genus *Laminaria*)
39. Wing kelp (species of genus *Alaria*)
40. Kombu (species of genus *Arthrotamnus*)
41. Agarum (species of genus *Agarum*)

N. Rockweeds

42. Rockweed (species of genus *Fucus*)
43. Rockweed (species of genus *Ascophyllum*)
44. Kelps (species of genus *Cystoseira*)
45. Sargasso (species of genus *Sargassum*)
46. Pelvetia (species of genus *Pelvetia*)

VIII. GREEN SEAWEEDS (*Chlorophyta*)

O. Edible green seaweeds

47. Sea lettuce (species of genus *Ulva*)
48. Monostroma (species of genus *Monostroma*)
49. Enteromorpha (species of genus *Enteromorpha*)
50. Cladophora (species of genus *Cladophora*)

IX. HIGHER PLANTS (*Angiospermae*)

P. Marine grasses

51. Eelgrass (species of genus *Zostera*)
52. Surfgrass (species of genus *Phyllospadix*)

X. Other commercially exploitable varieties of crustaceans, molluscs, echinoderms and other invertebrates; other seaweeds and marine grasses, and other varieties of marine plant life which later:

- (a) Prove to be commercially exploitable;
- (b) Are described as new additions to the fauna (flora) of the USSR;
- (c) Become established on the continental shelf of the USSR;
- (d) Are acclimatized or artificially cultured on the continental shelf of the USSR and, at the appropriate stage of their development for purposes of commercial exploitation, are attached to the sea-bed or below it or are able to move only on the sea-bed or below it.

XI. No change of classification or renaming of any animal (or plant) in accordance with the International Code of Zoological (botanical) Nomenclature may serve as grounds for exclusion from the List.

(b) DECISION OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE USSR CONCERNING THE APPLICATION OF THE DECREE OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE USSR CONCERNING THE CONTINENTAL SHELF OF THE USSR. 13 AUGUST 1969¹

1. In accordance with articles 3 and 8 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968 Concerning the Continental Shelf of the USSR,² the laws of the USSR and the laws of the Union Republic whose territory is adjacent to the continental shelf of the USSR shall be deemed to be applicable to legal relations arising in connexion with research activities on the continental shelf of the USSR and with the exploration, exploitation and conservation of the natural resources of the continental shelf of the USSR.

2. Special authorizations for the conduct of research, the exploration and exploitation of natural resources, and the execution of other works on the continental shelf of the USSR by foreign individuals and bodies corporate, as provided by article 5 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968, shall, where the execution of such works is not expressly provided for in an agreement between the USSR and the foreign State concerned, be issued in a manner and under conditions to be determined by the Council of Ministers of the USSR.

3. The following violations shall make the offender liable to the penalties prescribed in article 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968 Concerning the Continental Shelf of the USSR:

The erection of installations and other works on the continental shelf of the USSR and the creation around them of safety zones without the appropriate authorization;

Failure to provide protection for installations and other works on the continental shelf of the USSR, to maintain permanent devices for warning

¹ Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

² Reproduced in ST/LEG/SER.B/15, pp. 441-443.

of their presence, to remove installations and works which have been permanently taken out of operation, or to take steps within the safety zone to protect the living resources of the sea from harmful waste-products;

The conduct of the exploration and exploitation of natural resources, and the execution of other work on the continental shelf of the USSR by foreign individuals and bodies corporate in contravention of the requirements of article 5 of the above-mentioned Decree.

25. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- (a) [CONTINENTAL SHELF ACT 1964, AS AMENDED BY PREVENTION OF OIL POLLUTION ACT 1971]¹
 (b) PETROLEUM (PRODUCTION) REGULATIONS 1966, AS AMENDED IN 1971²

...

SCHEDULE 4

Model clauses for production licences in seaward areas

...

12. Working obligations

The Licensee shall during the term hereby granted carry out with due diligence such scheme of prospecting and development including any geological survey by any physical or chemical means or programme of test drilling, if any, as may be set out in Schedule 3 to this Licence.

...

- (c) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 3) ORDER 1969³

...

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. (1) Except as provided in the next following paragraph, ships are prohibited from entering a specified area without the consent of the Minister of Power.

(2) The prohibition contained in the foregoing paragraph does not apply, in relation to a specified area, to a ship

(a) Engaged or about to be engaged in the repair of any submarine cable in or adjacent to that specified area;

¹ The 1964 Act (1964 Chapter 29) is reproduced in part in ST/LEG/SER.B/15, pp. 445-447. For the Prevention of Oil Pollution Act 1971, see *infra* DIVISION III. 16 (b).

² The 1966 Regulations (*Statutory instruments* 1966 No. 898) is reproduced in part in ST/LEG/SER.B/15, pp. 450-455. The amendment was made by the Petroleum (Production) (Amendment) Regulations 1971 (*ibid.*, 1971 No. 814; 18 May 1971), entered into force on 26 May 1971. Only the amended clause is reproduced here.

³ *Ibid.*, 1969 No. 195. Came into operation on 1 March 1969. For the Continental Shelf (Protection of Installations) (No. 1) Order 1967 and the Continental Shelf (Protection of Installations) (No. 2) Order 1968, see ST/LEG/SER.B/15, pp. 455-457.

- (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 specified area;
- (c) Carrying out movements with a view to saving or attempting to save life or property at sea;
- (d) Which enters that specified 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° 01' 03" North, Longitude 01° 47' 47" East (E.D. (1950)) or Latitude 53° 00' 59" North, Longitude 01° 47' 47" 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° 01' 41" North, Longitude 02° 15' 23" East (E.D. (1950)) or Latitude 53° 01' 36" North, Longitude 02° 15' 25" 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' 08" North, Longitude 02° 17' 05" East (E.D. (1950)) or Latitude 53° 03' 04" North, Longitude 02° 17' 07" East (O.S.G.B. (1936)).
4. 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° 21' 50" North, Longitude 02° 34' 07" East (E.D. (1950)) or Latitude 53° 21' 46" North, Longitude 02° 34' 09" East (O.S.G.B. (1936)).

(d) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (No. 4) ORDER 1969¹

2. [Identical with Section 2 of the Continental Shelf (Protection of Installations) (No. 3) Order 1969, *supra* (c).]
3. [Identical with Section 3 of the above-quoted Order.]

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° 04' 35" North, Longitude 02° 11' 05" East (E.D. (1950)) or Latitude 53° 04' 31" North, Longitude 02° 11' 07" 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° 45' 13" North, Longitude 01° 04' 52" East (E.D. (1950)) or Latitude 53° 45' 09" North, Longitude 01° 04' 53" East (O.S.G.B. (1936)).

¹ Dated 18 September 1968. *Statutory Instrument* 1969 No. 1322. Came into operation on 1 October 1969.

(e) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS) ORDER 1971¹

...

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 bounded:

(a) On the north and east by a line joining the co-ordinates numbered (6), (5) and (4) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968, thence following the seaward limits of territorial waters west of the Isles of Scilly to the following co-ordinates on European Datum:

(1) 49° 50' 00'' N; 6° 29' 40'' W.

(b) On the south and west by a line joining the co-ordinates numbered (1) in this Schedule and the following co-ordinates on European Datum:

(2) 49° 50' 00'' N; 8° 36' 00'' W;	(3) 50° 00' 00'' N; 8° 36' 00'' W;
(4) 50° 00' 00'' N; 8° 24' 00'' W;	(5) 50° 10' 00'' N; 8° 24' 00'' W;
(6) 50° 10' 00'' N; 8° 12' 00'' W;	(7) 50° 20' 00'' N; 8° 12' 00'' W;
(8) 50° 20' 00'' N; 7° 48' 00'' W;	(9) 50° 30' 00'' N; 7° 48' 00'' W;
(10) 50° 30' 00'' N; 7° 36' 00'' W;	(11) 50° 40' 00'' N; 7° 36' 00'' W;
(12) 50° 40' 00'' N; 7° 12' 00'' W;	(13) 50° 50' 00'' N; 7° 12' 00'' W;

and by a line to the co-ordinates numbered (6) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968.

(2) The area bounded:

(a) On the north by a line joining the co-ordinates numbered (3) and (2) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968, thence following the seaward limits of territorial waters and by a line joining the following co-ordinates on European Datum:

(14) 50° 00' 00'' N; 5° 35' 04'' W; (15) 50° 00' 00'' N; 5° 20' 43'' W;

thence following the seaward limits of territorial waters to the co-ordinates numbered (37) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and by a line to the co-ordinates numbered (36) in that Schedule, thence following the seaward limits of territorial waters to the co-ordinates numbered (35) also in that Schedule, and by a line to the following co-ordinates on European Datum:

(16) 50° 30' 00'' N; 0° 12' 00'' E.

(b) On the south by a line joining the co-ordinates numbered (16) in this Schedule and the following co-ordinates on European Datum:

(17) 50° 20' 00'' N; 0° 12' 00'' E;	(18) 50° 20' 00'' N; 2° 24' 00'' W;
(19) 50° 10' 00'' N; 2° 24' 00'' W;	(20) 50° 10' 00'' N; 3° 12' 00'' W;
(21) 50° 00' 00'' N; 3° 12' 00'' W;	(22) 50° 00' 00'' N; 3° 24' 00'' W;

thence following the seaward limits of territorial waters east of the Isles of Scilly to the co-ordinates numbered (3) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968.

¹ Dated 5 April 1971. *Ibid.*, 1971 No. 594. For the other orders designating the areas within which the rights of the United Kingdom with respect to the sea-bed and subsoil and their natural resources may be exercised, see the Continental Shelf (Designation of Areas) Order 1964 (ST/LEG/SER.B/15, pp. 447-448), the Continental Shelf (Designation of Additional Areas) Order 1965 (*ibid.*, pp. 448-450), and the Continental Shelf (Designation of Additional Areas) Order 1968 (*ibid.*, pp. 457-458).

(3) The area bounded:

(a) On the east by a line joining the following co-ordinates on European Datum:

(25) 59° 50' 00" N; 5° 00' 00" W;

to the co-ordinates numbered (41) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and thence by the seaward limits of territorial waters off the west coast of Scotland to the following co-ordinates on European Datum:

(26) 55° 40' 00" N; 6° 36' 33" W.

(b) On the west by a line joining the co-ordinates numbered (26) in this Schedule and the following co-ordinates on European Datum:

(27) 55° 40' 00" N; 6° 48' 00" W;

(29) 55° 50' 00" N; 7° 00' 00" W;

(31) 56° 00' 00" N; 8° 00' 00" W;

(33) 56° 10' 00" N; 8° 48' 00" W;

(35) 56° 20' 00" N; 9° 24' 00" W;

(37) 58° 20' 00" N; 8° 36' 00" W;

(39) 58° 50' 00" N; 7° 36' 00" W;

(41) 59° 20' 00" N; 6° 36' 00" W;

(28) 55° 50' 00" N; 6° 48' 00" W;

(30) 56° 00' 00" N; 7° 00' 00" W;

(32) 56° 10' 00" N; 8° 00' 00" W;

(34) 56° 20' 00" N; 8° 48' 00" W;

(36) 58° 20' 00" N; 9° 24' 00" W;

(38) 58° 50' 00" N; 8° 36' 00" W;

(40) 59° 20' 00" N; 7° 36' 00" W;

(42) 59° 50' 00" N; 6° 36' 00" W;

and thence by a line to the co-ordinates numbered (25) in this Schedule.

(4) The area bounded by a line commencing at the co-ordinates numbered (48) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and joining the following co-ordinates on European Datum:

(43) 62° 00' 00" N; 2° 00' 00" W;

(45) 61° 44' 12" N; 1° 29' 36" E;

(44) 62° 00' 00" N; 1° 17' 48" E;

(46) 61° 44' 12" N; 1° 33' 36" E;

and thence by a line to the co-ordinates numbered (49) in that Schedule.

(f) [CONTINENTAL SHELF (JURISDICTION) (AMENDMENT) ORDER 1971¹

(g) MINERAL WORKINGS (OFFSHORE INSTALLATIONS) ACT 1971, sections 1-6, 8-9, 11-13²

(h) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 5) ORDER 1972³

...

2. [Identical with Section 2 of the Continental Shelf (Protection of Installations) (No. 3) Order 1969, *supra* (c).]

3. [Identical with Section 3 of the above-quoted order, except that the words "Minister of Power" are replaced by "Secretary of State".]

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° 04' 52" North, Longitude 02° 10' 55" East (E.D. (1950)) or Latitude 53° 04' 48" North, Longitude 02° 10' 57" East (O.S.G.B. (1936)).

¹ Dated 30 April 1971. *Statutory instruments* 1971 No. 721. Came into operation on 18 May 1971. This Order included in the areas of the United Kingdom Continental Shelf the new areas designated as part of the Shelf by the Continental Shelf (Designation of Additional Areas) Order 1971, *supra* (e).

² *Supra* DIVISION I. SUBDIVISION A. Chapter IX, 16 (a).

³ Dated 12 June 1972. *Statutory Instruments*, 1972 No. 883. Came into operation on 17 July 1972.

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' 48" North, Longitude 02° 09' 46" East (E.D. (1950)) or Latitude 53° 05' 44" North, Longitude 02° 09' 48" 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° 19' 37" North, Longitude 02° 37' 54" East (E.D. (1950)) or Latitude 53° 19' 33" North, Longitude 02° 37' 56" East (O.S.G.B. (1936)).

4. 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° 32' 03" North, Longitude 02° 15' 25" East (E.D. (1950)) or Latitude 53° 31' 59" North, Longitude 02° 15' 26" East (O.S.G.B. (1936)).

BAHAMAS

(a) Continental Shelf Act, 1970¹

...

2. Interpretation

(1) In this Act unless the context otherwise requires:

“Continental shelf” means the continental shelf appertaining to the Bahama Islands, that is to say, the sea-bed and subsoil of the submarine areas adjacent to the coasts, but outside the territorial waters, of the said Islands, 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;

“Minister” means the Minister responsible for Fisheries;

...

(2) The Governor may from time to time by order designate any submarine area adjacent to the coasts of the Bahama Islands as an area forming part of the continental shelf appertaining to the said Islands for the purposes of this Act; and, notwithstanding anything contained in the definition of “continental shelf” in subsection (1) of this section, any such submarine area beyond a depth of two hundred metres shall not be regarded as forming part of the continental shelf appertaining to the said Islands for the purposes of this Act except insofar as such area is for the time being designated under this subsection.

3. Exploration and exploitation of continental shelf

(1) Any rights exercisable with respect to the continental shelf and the natural resources thereof for the purpose of exploring that shelf and exploiting those resources are hereby vested in Her Majesty in right of Her Government of the Bahama Islands.

...

4. Protection of structures on the continental shelf

(1) The Governor may, for the purpose of protecting any structure on the continental shelf, by order prohibit ships, subject to any exceptions provided

¹ No. 17 of 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

by the order, from entering without the consent of the Minister such part of the waters above the said shelf as may be specified in the order.

(2) If any ship enters any area in contravention of an order made under this section its master shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand five hundred dollars, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to him.

5. *Application of criminal and civil law*

(1) Any act or omission which:

(a) Takes place on, under or above a structure on the continental shelf or in any waters within five hundred metres of such a structure; and

(b) Would, if taking place in any part of the Bahama Islands, constitute an offence under any law in force in the said Islands, shall be treated for the purposes of that law as taking place in the Bahama Islands.

...

6. *Safety of navigation*

(1) No person shall without the consent in writing of the Minister:

(a) Construct, alter or improve any works on, under or over; or

(b) Remove any object or any material from,

any part of the continental shelf, so that any obstruction or danger to navigation is caused or is likely to result.

...

7. *Enforcement*

(1) Any person who:

(a) Carries out any operation in contravention of the provisions of subsection (1) of section 6 of this Act; or

(b) Fails to comply with any condition subject to which any consent of the Minister has been given under that section,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding three thousand dollars.

...

8. *Discharge of oil*

(1) If any oil to which this section 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 in or on; or

(b) As a result of any operations for the exploration of, or the exploitation of the natural resources of,

the continental shelf, 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.

(2) This section applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under this section, and to any other description of oil which the Minister, having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea, may declare by order to be a description of oil to which this section applies.

(3) Any person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding three thousand dollars.

9. *Construction, operation and status of structures*

(1) Where a structure of any description is constructed on or above the continental shelf for the purpose of, or to be used in connection with, the exploration or the exploitation of the resources of the said shelf and for the deposit within any such structure of any material substance, such structure and its contents shall be and become vested in Her Majesty in right of Her Government of the Bahama Islands.

(2) Any such structure as is referred to in subsection (1) of this section may be occupied and used, for the purpose of or in connection with the exploration or exploitation of the continental shelf, by the person by or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the agreement, licence or other authority under which such person is permitted to carry out such exploration as aforesaid, he shall peaceably yield up the same to Her Majesty without receiving payment of any compensation whatever.

10. *Agreements and licences*

The Governor may enter into agreements with or grant licences to any person for the exploration by that person of any part of the continental shelf or the exploitation of the resources thereof upon such terms and conditions not inconsistent with the provisions of this Act as to the Governor may appear proper.

11. *Prosecution of offences*

(1) Proceedings for any offence under this Act (including an offence under any other law applied by or under this Act and anything which is an offence by virtue of subsection (1) of section 5 of this Act) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in the Bahama Islands.

(b) PETROLEUM ACT, 1971, sections 2 (1), 5, 11-13 (1), 17 (1), 29-31¹

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 16.

CAYMAN ISLANDS

PETROLEUM (PRODUCTION) LAW, AS AMENDED, IN 1969, section 2¹

*BRITISH SOLOMON ISLANDS PROTECTORATE
CONTINENTAL SHELF ORDINANCE 1970²*

...
2. *Interpretation*

In this Ordinance, unless the context otherwise requires:

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coasts of the islands of the Protectorate but beyond the territorial limits of the Protectorate, to a depth of two hundred metres below the surface of the sea, or, beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

“Designated area” means an area designated by order made under section 3(3);

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

(1) Any rights exercisable with respect to the continental shelf appertaining to the Protectorate and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.

(2) In relation to any petroleum or mineral with respect to which any rights referred to in subsection (1) are exercisable the provisions of the Petroleum (Production) Ordinance or the Mining Ordinance 1968, as the case may be, shall apply, subject to the provisions of this Ordinance, as they apply in relation to petroleum or minerals, as the case may be, in the Protectorate.

(3) The High Commissioner may from time to time by order designate any area as an area within which the rights referred to in subsection (1) are exercisable.

4. *Protection of installations in designated areas*

(1) The High Commissioner may, for the purpose of protecting any installation in any designated area, by order prohibit ships, subject to any exceptions provided by such order, from entering without the permission of such officer, such area within five hundred metres of the installation, as may be specified in the order.

(2) If any ship enters an area in contravention of an order made under this section the owner or master of such ship shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for six months unless he proves that the prohibition was not and would not on reasonable inquiry have become known to the master.

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 16.

² No. 4 of 1970, 28 July 1970. Entered into operation on 7 August 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

5. *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 Protectorate, constitute an offence under any law in force in the Protectorate,

shall be treated for the purpose of that law as taking place in the Protectorate.

...

6. *Safety of navigation*

(1) No person shall without the consent in writing of the Superintendent of Marine in any designated area:

(a) Construct, alter or improve any works on, under or over any part of the sea-bed; or

(b) Remove any object or any material from any part of the sea-bed, so that any obstruction or danger to navigation is caused or is likely to result.

...

7. *Enforcement*

(1) Any person who:

(a) Carries out any operation in contravention of the provisions of section 6(1); or

(b) Fails to comply with any condition subject to which the consent of the Superintendent of Marine has been given under that section, shall be guilty of an offence and liable to a fine of five hundred dollars.

...

8. *Discharge of oil*

(1) If any oil to which this section 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 within a designated area:

(a) From a pipeline; or

(b) As a result of any operations for the exploration of the continental shelf or the exploitation of the natural resources thereof in a designated area, the owner of the pipeline 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.

...

(3) Any person guilty of an offence under this section shall be liable to a fine of five hundred dollars.

9. *Construction, operation and status of structures*

(1) Where in any designated area a structure of any description is constructed on or above the sea-bed for the purpose of, or to be used in connection

with, the exploration or the exploitation of the resources of the continental shelf in that area, such structure shall be and become vested in the Crown.

(2) Any such structure as is referred to in subsection (1) may be occupied and used for the purpose of the exploration of the continental shelf or its exploitation, by the person by whom or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the licence or other agreement under which such person is permitted to carry out such exploration or exploitation as aforesaid, he shall peaceably yield up the same to the Crown without receiving payment of any compensation whatever.

10. *Agreements and licences*

Subject to the provisions of the Petroleum (Production) Ordinance and the Mining Ordinance 1968, as applied by section 3(2), the High Commissioner may enter into agreements with or grant licences to any person to explore the continental shelf or to exploit the natural resources thereof upon such terms and conditions not inconsistent with the provisions of this Ordinance as to him may appear proper.

11. *Prosecution of offences*

(1) Proceedings for any offence under this Ordinance, including an offence under any other law applied by or under this Ordinance and anything which is an offence by virtue of section 5(1), may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in the Protectorate.

(3) A police officer and every other officer shall on any installation in a designated area have all the powers, protection and privileges which he has in the Protectorate.

26. UNITED STATES OF AMERICA

(a) UNITED STATES GEOLOGICAL SURVEY OCS ORDER NO. 10 OF 28 MARCH 1969, REGARDING DRILLING AND OTHER OPERATING PROCEDURES ON CONTINENTAL SHELF OFF CALIFORNIA¹

1. The applicability of OCS Order No. 2, March 31, 1965, to operations off California is terminated and the following requirements substituted therefor. Each Application to Drill (Form 9-331-C) submitted for approval shall include the casing, cement, mud, and blowout preventer programs for the well which shall comply with these requirements. . . .

A. *Well Casing and Cementing*

All wells shall be cased and cemented in a manner which will prevent communication between separate fluid-bearing strata through the well bore,

¹ Issued by U.S. Department of the Interior, Geological Survey, Conservation Division, following blowout of well in Santa Barbara Channel. Text provided by the Permanent Representative of the United States of America to the United Nations in a note verbale of 11 November 1971.

directly or indirectly, except hydrocarbon bearing zones to be commingled, and will prevent release of fluids or hydrocarbons from any stratum through the well bore, directly or indirectly, into the ocean. Casing strings shall be installed in sufficient number and be of adequate size, strength, and of suitable material to withstand collapse, bursting, tensile, and other stresses.

Casing program design safety factors shall be of sufficient magnitude to provide optimum protection while drilling and to assure safe operations for the life of the well. . . .

B. *Blowout Prevention*

- (1) Blowout prevention equipment. Blowout preventers and related well control equipment shall be installed, used, and tested in a manner which will prevent blowouts.

. . . .

C. *Mud Program*

The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as will prevent the blowout of any well. Sufficient quantities of mud having the characteristics required to prevent blowouts shall be maintained readily accessible for use.

. . . .

2. . . . All wells completed for flowing production shall be equipped with an approved storm choke or similar subsurface safety device which shall be installed in the tubing to prevent escape of oil, gas, or other fluid into the ocean in the event of damage to the well or its equipment. Such equipment shall be installed and tested at regular intervals at a depth of 100 feet or greater below the ocean floor. . . .

Artificial lift equipment required for non-flowing wells must be of a type that will automatically shut down and not cause escape of oil, gas or other fluid into the ocean, in the event of damage to the well. Safety valves shall be installed at each well head on platforms and tested at regular intervals. All oil and gas gathering lines shall have check valves at the flowline manifold assembly. . . .

. . . .

4. *Inspections*

Inspections, both scheduled and unannounced, will be conducted frequently by Geological Survey personnel. Failure to permit inspection or to comply with all applicable operating regulations will result in immediate suspension of operations and further actions as provided in the lease and applicable regulations.

5. *Production Platform Requirements*

Production platforms will have the following safety and anti-pollution devices installed and in proper operating condition:

- (1) Gas detector and alarm system at strategic locations on platforms.
- (2) Approved firefighting system.
 - (a) Automatic sprinkler system in well bay areas.
 - (b) Closed loop firewater system with standby firefighting pump.
 - (c) Portable fire extinguishers located in strategic areas.

(3) High and low level of pressure alarms and shut-down devices in all production vessels and water separation devices.

(4) Remote and local automatic platform and well shut-down devices.

(5) High and low pressure oil pipeline alarm and control devices to shut down shipping pumps and to shut in all wells in event of actuation.

(6) Approved sewage disposal system.

(7) Curbs, gutters, and drains in all deck areas to collect contaminants for pumping to shore for treatment.

(8) Auxiliary power supply equipment.

(9) Approved waste water handling and disposal system of the agency having jurisdiction.

6. *Pollution Control Equipment*

Standby pollution control containment and removal equipment shall be maintained on or immediately available to each platform, floating drilling ship, and floating platform. This equipment shall include inflatable or other acceptable booms, skimming apparatus, and approved chemical dispersants, to be operational in the vicinity of the platform or floating drilling rig. All equipment shall be available prior to the commencement of drilling operations. The equipment and plan of containment shall be approved by the Geological Survey. This equipment will be regularly inspected. Additional equipment and containment procedures can be required by the Geological Survey from time to time.

(b) MEANING OF THE TERM "SEA-BED", *UNITED STATES V. RAY*, U.S. COURT OF APPEALS, FIFTH CIRCUIT, 22 JANUARY 1970, AS MODIFIED 10 APRIL 1970¹

...

The evidence establishes that the term "sea-bed" is commonly understood to be any terrain below the high water line. The federal and common law comports with this understanding in defining the "bed" of a body of water as lands below the ordinary high water mark.

... The record shows that on the death of the coral, which has a natural predilection for cementing itself onto preexisting rocky structures, its skeletal remains become part of the seabed of the Continental Shelf. The District Court's finding that the reefs are part of the "sea-bed" of the Shelf is fully supported by substantial evidence of record.

...

(c) REGULATIONS CONCERNING THE LIVING ORGANISMS OF THE CONTINENTAL SHELF, 18 JUNE 1971²

Paragraph 295.1 *Purpose*

The purpose of the regulations in this part is to list those species determined by the Secretary of Commerce, in consultation with the Secretary of State,

¹ 423 F. 2d 16, at pp. 20-21 (1970).

² Code of Federal Regulations, Title 50, Chapter II, Part 295; *Federal Register*, vol. 36, no. 121, 23 June 1971, p. 11923.

to constitute a Continental Shelf fishery resource, i.e., living organisms belonging to sedentary species, 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 of the Continental Shelf.

Paragraph 295.2 *List of species*

COELENTERATA

- Precious Red Corals—*Corallium spp*
- Black Coral—*Antipathes grandis*

CRUSTACEA

- Dungeness Crab—*Cancer magister*
- Tanner Crab—*Chionocetes tanneri*
- Tanner Crab—*Chionocetes opilio*
- Tanner Crab—*Chionocetes angulatus*
- Tanner Crab—*Chionocetes baildi*
- King Crab—*Paralithodes camtschatica*
- King Crab—*Paralithodes platypus*
- King Crab—*Paralithodes brevipes*
- California King Crab—*Paralithodes californiensis*
- Golden King Crab—*Lithodes acquispinus*
- Northern Stone Crab—*Lithodes maia*
- Stone Crab—*Menippe mercenaria*
- Deep-sea Red Crab—*Geryon quinquedens*

MOLLUSKS

- Red Abalone—*Haliotis refcscens*
- Pink Abalone—*Haliotis corrugata*
- Japanese Abalone—*Haliotis kamtschatkana*
- Queen Conch—*Strombus gigas*
- Surf Clam—*Spisula solidissima*
- Ocean Quahog—*Arctica islandica*

SPONGES

- Glove Sponge—*Hippiospongia canaliculata*
 - Sheepwool Sponge—*Hippiospongia lachne*
 - Grass Sponge—*Spongia graminea*
 - Yellow Sponge—*Spongia barbera*
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