

Maritime Jurisdiction Acts, 1959 to 1988

Interpretation

1. In this Act:

...

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

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

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

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

...

The territorial seas

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

Outer limit of the territorial seas

3.* For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

The baseline

4.* (1) Save as otherwise provided, the baseline is low-water mark:

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

(b) on any low-tide elevation situated wholly or partly at a distance not exceeding 12 nautical miles from the mainland or an island.

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

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

...

Place of commission of offence

9. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either where it actually was committed or arose or wherever the offender or person complained against may be.

Jurisdiction in case of offences

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

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

Prosecution of an alien for offence on foreign ship

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

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

Saving as to jurisdiction

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

...

Adaption of enactments

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

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