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CHAPTER 387

MARINE BOUNDARIES AND JURISDICTION

An Act to provide for the establishment of Marine Boundaries and Jurisdiction. 1978-3.
1993-6.

[1st January, 1979] Commence-
ment.
1979/1.

PART I

Preliminary

1. This Act may be cited as the *Marine Boundaries and Jurisdiction Act*. Short title.

2. For the purposes of this Act

Interpreta-
tion.
1993-6.

"Barbadian vessel" or "Barbadian structure" means a vessel or structure, as the case may be

(a) wholly owned by a citizen of Barbados or by a body corporate whose members, or, if that body corporate is a company, whose shareholders, as the case may be, are all citizens of Barbados, or

(b) certified in writing by the Cabinet as having such substantial economic connections with Barbados in relation to its ownership as to be deemed, for the purposes of this Act, to be a Barbadian vessel or Barbadian structure, as the case may be;

"baselines" has the meaning assigned to it by section 4 of the *Barbados Territorial Waters Act*; Cap. 386.

"Exclusive Economic Zone" or "Zone" means the marine zone established by section 3(1);

"foreign State" means a State other than Barbados;

- Cap. 386. "internal waters" has the meaning assigned to it by section 5 of the *Barbados Territorial Waters Act*;
- "marine conservation officer" means a person designated a marine conservation officer under section 14;
- "mile" means the international nautical mile;
- "ship" includes vessel, boat or other sea-going or ocean-going craft;
- "structure" includes any artificial island, off-shore terminal or off-shore installation;
- Cap. 386. "territorial waters", in relation to Barbados, has the meaning assigned to it by section 3 of the *Barbados Territorial Waters Act*, and includes internal waters.

PART II

Economic Zone

Exclusive
Economic
Zone.

3. (1) There is established, contiguous to the territorial waters, a marine zone to be known as the Exclusive Economic Zone having as its inner limit the boundary line of the seaward limit of the territorial waters and as its outer limit a boundary line which, subject to subsection (3), at every point is a distance of 200 miles from the nearest point of the baselines of the territorial waters or such other distance from the nearest point of those baselines as the Minister responsible for Foreign Affairs, by order, prescribes.

(2) An order made under subsection (1) is subject to affirmative resolution, and shall be judicially noticed.

(3) Notwithstanding subsection (1), where the median line as defined by subsection (4) between Barbados and any adjacent or opposite State is less than 200 miles from the baselines of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between Barbados and that other State; but where there is no such agreement, the outer boundary limit shall be the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baselines of the territorial waters, on the one hand, and the corresponding baselines of the territorial waters of any adjacent or opposite State as recognised by the Minister, on the other hand.

(5) An agreement entered into pursuant to subsection (3) shall be laid before Parliament, and shall be judicially noticed.

4. (1) The Minister responsible for Foreign Affairs shall cause the boundary lines of the Zone to be marked on a scaled map or chart, and that map or chart shall be judicially noticed.

Marking of boundary lines of Zone on charts or maps.

(2) The Minister responsible for Foreign Affairs shall make provision for the safe custody of the map or chart referred to in subsection (1), and shall, by notice, specify the place where any person may inspect that map or chart or purchase a certified copy thereof.

5. There is vested in the Government of Barbados

Rights in, and jurisdiction over, Zone.

(a) all rights in, and jurisdiction over, the Zone in respect of

- (i) the exploration, exploitation, conservation, protection or management of the natural living and non-living resources of the sea-bed, subsoil and superjacent waters,
- (ii) the construction, maintenance or use of structures or devices relating to the exploration or exploitation of the resources of the Zone, the regulation and safety of shipping, or any other economic purpose,
- (iii) the authorisation, regulation or control of scientific research,
- (iv) the preservation and protection of the marine environment and the prevention and control of marine pollution,
- (v) all other activities relating to the economic exploration and exploitation of the Zone; and

(b) all other rights in, and jurisdiction over, the Zone recognised by international law.

Exploitation
of resources
of Zone.

6. (1) Subject to this Act, no person shall within the Zone, except under or in accordance with an agreement with the Government of Barbados or a permit granted by the Cabinet

- (a) explore or exploit any resources thereof;
- (b) carry out any search or excavation;
- (c) conduct any research;
- (d) drill in or construct, maintain or operate any structure or device;
or
- (e) carry out any economic activity.

(2) This section does not apply to fishing by a citizen of Barbados in or from a Barbadian vessel.

(3) Any person who contravenes this section is guilty of an offence and liable

- (a) on conviction on indictment, to a fine of \$50 000 or imprisonment for 5 years or both; or
- (b) on summary conviction, to a fine of \$20 000 or imprisonment for 2 years or both,

and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Freedom of
navigation,
overflight,
and laying
of cables etc.

7. Subject to section 8, ships and aircraft of all States are not, in or over the Zone, as the case may be, restricted in, or prohibited from, the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognised by international law.

Application
of certain
enactments
to Zone.

8. (1) The Governor-General may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the Zone or any part thereof, and an enactment so extended shall have effect in relation to the Zone as if it had been enacted by this Act.

(2) An order made under this section is subject to affirmative resolution, and shall be judicially noticed.

9. (1) The jurisdiction and powers of the courts extend to the Zone for the purpose of giving effect to the provisions of this Act and any other enactment extended to the Zone under section 8 as if the Zone were a part of the territory of Barbados. Jurisdiction of courts.

(2) Where an offence is, by virtue of this Act or any enactment extended to the Zone under section 8, punishable on summary conviction or indictment, it may be enquired into or determined, as the case may be, by a magistrate assigned to any magisterial district, and that magistrate has, in respect of the offence, all the powers, privileges, rights and jurisdiction conferred on him by the *Magistrates Jurisdiction and Procedure Act*. Cap. 116.

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the *Magistrates Jurisdiction and Procedure Act* is, in relation to the Zone, exercisable by a magistrate assigned to any magisterial district.

(4) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

10. (1) In any proceedings in a court in relation to the Zone, the averment that an offence was committed or that an act was done within the limits of the Zone shall, until the contrary is proved, be deemed to be *prima facie* evidence that the *locus in quo* was within the Zone. Locus of offence etc.

(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Barbados, be deemed to have occurred in Barbados if

- (a) that incident occurs in, on, under, above or in relation to, any vessel, structure or device or any waters within 500 yards of that structure or device, in the Zone; or
- (b) that incident, if having occurred in Barbados, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

PART III

Repealed by 1993-6.

11. *Repealed by 1993-6.*
12. *Repealed by 1993-6.*
13. *Repealed by 1993-6.*

PART IV

Marine Conservation Officers

Marine
conservation
officers.

14. For the purposes of this Act, the following persons are designated marine conservation officers

- (a) *Repealed by 1993-6.*
- (b) members of the Defence Force of Barbados;
- (c) members of the Police Force;
- (d) officers of Customs;
- (e) officers of the Coast Guard; and
- (f) any other person approved by the Cabinet.

Duties of
marine
conservation
officer.

15. (1) A marine conservation officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of

- (a) a Barbadian vessel or Barbadian structure that is at sea or in port; or
- (b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with any activity carried on in contravention of this Act or the regulations.

1993-6.

(2) In the performance of his duties under this section, a marine conservation officer may

- (a) reasonably call on any person to assist him;
- (b) use such force as is reasonably necessary;
- (c) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (d) order that any vessel or structure be stopped;
- (e) board any vessel or structure;
- (f) search or examine any vessel or structure or any equipment or thing on board thereof; 1993-6.
- (g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) A marine conservation officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process

- (a) seize the vessel or structure together with any equipment suspected of being used in the commission of the offence; and 1993-6.
- (b) detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3), a marine conservation officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to a Barbadian port, and within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.

(5) A court may order that any vessel, structure, equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within one month of the seizure under that subsection. 1993-6.

16. Repealed by 1993-6.

Exemption
from
liability.

17. No liability attaches to the Crown, a marine conservation officer or fisheries officer in respect of acts done by that officer in good faith in the performance of his duties under this Act.

PART V

General

General
offences.

18. Any person who

- (a) assaults, resists, obstructs or intimidates a marine conservation officer or any person assisting him, in the execution of his duty;
- (b) uses indecent, abusive or insulting language to a marine conservation officer in the execution of his duty;
- (c) interferes with or hinders a marine conservation officer in the execution of his duty;
- (d) by any gratuity, bribe, promise or other inducement, prevents a marine conservation officer from carrying out his duty;
- (e) without the authority of a marine conservation officer, removes, alters or interferes with any articles seized under section 15;
- (f) contravenes any provision of this Act for which no penalty is provided, or of the regulations,

is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 2 years or both, and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Return of
property
seized.

19. A court may order that property seized under subsection (3) of section 15 be returned to the person from whom it was taken or to a person named by that person, where

- (a) the court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interests of justice; or

- (b) no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

20. (1) The Cabinet may make regulations generally for carrying Regulations. into effect the provisions of this Act, and in particular respecting

- (a) any activity relating to the exploration, exploitation and protection of the resources of the Zone;
- (b) any activity relating to the economic exploration or exploitation of the Zone;
- (c) the safety and protection of structures or devices in the Zone;
- (d) the authorisation, control and regulation of scientific research in the Zone;
- (e) the customs and other fiscal matters relating to the Zone;
- (f) the duties, powers, functions and conditions of service of marine conservation officers; and
- (g) the fees to be paid under this Act.

(2) Regulations made under this section are subject to affirmative resolution, and shall be judicially noticed.

21. The Minister responsible for Foreign Affairs may give directions Directions. respecting the disposal or release of any vessel, structure, equipment, device or thing that is ordered by a court to be forfeited under this Act or the regulations.