

ARRANGEMENT OF SECTIONS

Section

KEITH H. W. FRIDAY
ATTORNEY-AT-LAW

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GRENADA

ACT NO. 25 OF 1989

I assent,

*13th July, 1989*PAUL SCOON
Governor-General.

An Act to make provision with respect to the territorial sea of Grenada and other maritime areas; to make provision for the exercise of the rights of archipelagic sea lanes passage, innocent passage and transit passage; and to provide for matters connected therewith or incidental thereto.

[*By Order*].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:—

PART I

Preliminary

1. This Act may be cited as the —

Short title.

GRENADA TERRITORIAL SEA AND
MARITIME BOUNDARIES ACT, 1989.

Definitions. 2. In this Act —

“archipelagic waters” means the archipelagic waters of Grenada, as defined in section 7;

“archipelagic sea lanes passage” has the meaning assigned by section 19;

“baselines” means the baselines for the purpose of measuring the breadth of the territorial sea, as specified in section 4;

“competent authority” means the Minister responsible for External Affairs or any person designated by him as the competent authority for the purposes of this Act;

“contiguous zone” means the contiguous zone of Grenada, as defined in section 9;

“continental shelf” means the continental shelf of Grenada, as defined in section 10;

“equidistance line”, as between Grenada and a foreign state, means a line every point of which is equidistance from the nearest point of the baselines and the corresponding baselines of the foreign state;

“exclusive economic zone” or “zone” means the exclusive economic zone of Grenada, as defined in section 12;

“foreign ship” means the ship of a foreign state;

“foreign state” means a state other than Grenada;

“innocent passage” has the meaning assigned by section 17;

“internal waters” means the internal waters of Grenada, as defined in section 6;

“low-water line” means the low-water line of the coast of Grenada at lowest astronomical tide;

“Minister” means —

- (a) the Minister responsible for External Affairs; or
- (b) if responsibility for the administration of any provision of this Act is assigned to any other Minister, that other Minister for the purposes of that provision;

“nautical mile” means the international nautical mile;

“ship” includes a vessel, boat or sea-craft of any kind;

“territorial sea” means the territorial sea of Grenada, as defined in section 5;

“the Regulations” means regulations made under section 34;

“transit passage” has the meaning assigned by section 18.

3. This Act binds the Crown.

**Act binds
the Crown.**

PART II

**Territorial Sea, Internal Waters, Archipelagic
Waters and Contiguous Zone**

**Baselines
of the
territorial
sea.**

4.—(1) The baselines, for the purpose of measuring the breadth of the territorial sea, shall be —

- (a) the low-water line; or
- (b) if and to the extent that the Minister so directs under subsection (2) (a), straight archipelagic baselines established as provided in subsection (2) (b).

(2) The Minister, by order —

- (a) may direct that the baselines shall, subject to such limitations and exceptions as may be stated in the order, be straight archipelagic baselines; and
- (b) if he does so, shall identify those baselines, drawn in accordance with international law, by reference to charts of a scale adequate for ascertaining their position or to lists of geographical co-ordinates specifying the geodetic datum.

**Limits of
the
territorial
sea.**

5.—(1) Subject to subsection (2) and any order made under section 32 with respect to the delimitation of the territorial sea, the territorial sea of Grenada comprises those areas of the sea having, as their landward limit, the baselines and, as their seaward limit, a line measured seaward every point of which is 12 nautical miles distant from the nearest point of the baselines.

(2) Wherever the equidistance line between Grenada and a foreign state is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if possible, be effected by agreement between Grenada and the foreign state: but to the extent that no such agreement is effected, that equidistance line shall constitute the seaward limit of the territorial sea.

6. (1) The internal waters of Grenada comprise those areas of the sea that are on the landward side — **Internal waters.**

- (a) of the low-water line; or
- (b) if and to the extent that closing lines are prescribed pursuant to subsection (2), of those closing lines.

(2) The Minister may, whenever he considers it appropriate to do so having regard to international law, by order, prescribe closing lines for the purpose of defining any of the internal waters of Grenada.

7. The archipelagic waters of Grenada comprise those areas of the sea (other than internal waters) on the landward side of any straight archipelagic baselines established as provided in section 4 (2). **Archipelagic waters.**

8. The sovereignty of Grenada extends, and shall be deemed always to have extended, to — **Legal status of the territorial sea and archipelagic waters, etc.**

- (a) the territorial sea, internal waters and archipelagic waters; and
- (b) the airspace over, and seabed and subsoil underlying, that sea and those waters.

**Contiguous
zone.**

9.—(1) Subject to subsection (2), the contiguous zone of Grenada comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line, measured seaward from the baselines, every point of which is 24 nautical miles distant from the nearest point of the baselines.

(2) The contiguous zone shall not extend into any part of the territorial sea of a foreign state and, in any case where it would, but for this subsection, so extend, subsection (1) shall operate as though it were modified to the extent necessary to ensure that the contiguous zone does not so extend.

(3) Grenada has and may exercise in respect of the contiguous zone such powers and authorities as may be necessary to prevent, or punish, the infringement, within Grenada (including the archipelagic waters and the territorial sea), of any law providing controls or prohibitions for or with respect to customs, excise, immigration or health.

PART III

Continental Shelf and Exclusive Economic Zone

DIVISION 1 — continental shelf

**Continental
shelf.**

10.—(1) Subject to any order made under section 32 with respect to the delimitation of the continental shelf, the continental shelf of Grenada comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Grenada to the outer edge of the continental margin, or to a distance of 200 nautical miles from the nearest point of the baselines wherever that outer edge does not extend upon to that distance.

(2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point of the baselines, the outer limits of the continental shelf shall be established and delineated with due regard to the requirements and limitations of international law relevant to the establishment and delineation of the continental shelf beyond that distance.

(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Grenada consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.

11.—(1) Subject to this Act, Grenada has, and shall be deemed always to have had, in relation to the continental shelf —

Rights and
jurisdiction
in relation
to
continental
shelf.

- (a) sovereign rights for the purpose of the exploration for, and the exploitation and management of, natural resources;
- (b) exclusive rights to construct and to authorise and regulate the construction, operation and use of, and jurisdiction over —
 - (i) artificial islands; and
 - (ii) installations and structures, for the purposes provided for under paragraph (a) or any other economic purposes;
 - (iii) installations and structures which may interfere with the exercise by Grenada of rights in respect of the continental shelf;

- (c) exclusive jurisdiction to regulate, authorise and control marine scientific research; and
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(2) In subsection (1) (a), "natural resources" means mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

DIVISION 2 — exclusive economic zone

Exclusive
economic
zone.

12. Subject to any order made under section 32 with respect to the delimitation of the exclusive economic zone, the exclusive economic zone of Grenada comprises those areas of the sea and the submarine areas that are beyond and adjacent to the territorial sea, having, as their seaward limit, a line measured seaward every point of which is a distance of 200 nautical miles from the nearest point of the baselines.

Rights and
jurisdiction
in relation
to exclusive
economic
zone.

13. Subject to this Act, Grenada has, and shall be deemed always to have had, in relation to the exclusive economic zone —

- (a) sovereign rights for the purpose of the exploration, exploitation, conservation and management of the natural resources, whether living or non-living, of the seabed, subsoil and superjacent waters, as well as for producing energy from tides, winds and currents;

-
- (b) rights and jurisdiction such as are referred to in section 11 (1) (b), (c) and (d); and
 - (c) such other rights as are recognised by international law.

DIVISION 3 — provisions applicable to continental shelf and exclusive economic zone

14.—(1) Grenada shall not impede the laying or maintenance in accordance with this Act, of submarine cables or pipelines on the continental shelf or on the seabed of the zone. Submarine
Cables and
pipelines.

(2) Nothing in subsection (1) shall operate to prejudice the right of Grenada—

- (a) to take reasonable measures for the exploration of the continental shelf or the zone, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines;
- (b) to establish conditions for cables or pipelines entering its territory, or its jurisdiction, over cables and pipelines constructed or used in connection with the exploration of the continental shelf or the zone or the exploitation of its resources, or the operation of artificial islands, installations and structures under its jurisdiction.

(3) The delineation of the 'course' for the laying of submarine cables and pipelines on the continental shelf or on the seabed of the zone is subject to the consent of the Minister.

Reasonable
exercise of
rights.

15. The rights and jurisdiction of Grenada under Division 1 or 2 shall be so exercised as not to infringe, or result in an unjustifiable interference with, navigation and other rights and freedoms of foreign states under international law.

Delimitation
of
continental
shelf or
zone in
certain
circum-
stances.

16. Wherever the equidistance line between Grenada and a foreign state is less than 200 nautical miles from the nearest point of the baselines, Grenada shall use its best endeavours to ensure that the delimitation of the continental shelf or, as the case may be, the exclusive economic zone, is effected by agreement between Grenada and the foreign state, on the basis of international law, in order to achieve an equitable solution, or is otherwise effected in accordance with relevant international law for the settlement of disputes.

PART IV

Rights of Passage

Innocent
passage.

17.—(1) Every foreign ship may, subject to and in accordance with this section and international law, exercise in relation to the territorial sea and archipelagic waters the right of innocent passage, that is to say, a right of passage that is continuous and expeditious and not prejudicial to the peace, good order or security of Grenada, for the purpose of —

- (a) traversing that sea or those waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such a roadstead or port facility.

(2) For the purposes of this section, the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Grenada if, without due authority for doing so, the ship engages, within the territorial sea or archipelagic waters, in any of the following activities, namely ---

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Grenada, or any other act which is in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) the launching, landing or taking on board of any aircraft or military device;
- (c) exercises or practices with weaponry of any kind;
- (d) any act aimed at collecting information relating to the defence or security of Grenada;
- (e) any act by way of propaganda aimed at affecting the defence or security of Grenada;
- (f) the taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;
- (g) any act of pollution calculated to or likely to cause damage or harm to

Grenada, its resources or its marine environment;

- (h) fishing or extracting living or non-living resources;
- (i) the carrying out of research of whatever kind or survey activities;
- (j) any act aimed at interfering with any system of communication or telecommunication whether such system is on land, on the sea or under it;
- (k) being a submarine or other underwater vehicle, navigating otherwise than as provided in sub-section (4); or
- (l) such other activity as may be prescribed, being an activity not having a bearing on passage.

(3) For the purposes of this section —

- (a) the passage of a foreign ship does not cease to be continuous and expeditious by reason only of the ship stopping or anchoring, if the stopping or anchoring—
 - (i) is incidental to ordinary navigation;
 - (ii) is rendered necessary by *force majeure* or distress; or
 - (iii) is for the purpose of rendering assistance to persons, ships or aircraft in danger or distress; and

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- (b) a foreign ship has due authority for engaging in an activity of the kind referred to in subsection (2) if it does so —
- (i) with the prior permission of the competent authority obtained by the captain or other person in charge of the ship; or
 - (ii) under the authority of a law, or of a licence, lease or other authority lawfully given or issued under a law.

(4) A submarine or other underwater vehicle wishing to exercise the right of innocent passage shall navigate on the surface and show its flag.

(5) In exercising the right of innocent passage a foreign ship shall comply with the provisions of the Regulations, and with any enactment, order or direction, which have effect in relation to the territorial sea or archipelagic waters, or both, and to the ship, for or with respect to the safety of navigation, the regulation of marine traffic or the use of sea lanes or traffic separation schemes.

(6) The Minister may, by order, suspend the right of innocent passage for such temporary period, and in such areas of the territorial sea or archipelagic waters, as are specified in the order, where he is satisfied that it is essential to do so for the protection of the security of Grenada or for the conduct of exercises or practices with weaponry.

(7) An order made under subsection (6) does not take effect until it has been published in the *Gazette*.

Transit
passage.

18.—(1) Every foreign ship or aircraft may, subject to and in accordance with this section and international law, exercise in relation to a relevant strait the right of transit passage, that is to say, a right of freedom of navigation or overflight in the normal mode for the purpose of continuous and expeditious transit of the relevant strait.

(2) For the purposes of subsection (1), a foreign ship or aircraft that engages in a relevant strait in any activity of the kind referred to in paragraphs (a) to (j) of subsection (2) of section 17 or prescribed under paragraph (1) of that subsection, as the case may be, without due authority such as is referred to in section 17, (3) (b), shall be deemed to have engaged in an activity which is not in the exercise of the right of transit passage.

(3) In exercising the right of transit passage of a relevant strait a foreign ship shall comply with —

- (a) generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships, which have effect in relation to the strait; and
- (b) the provisions of the Regulations, and of any enactment, order or direction, which have effect in relation to the strait and the ship for or with respect to —
 - (i) the safety of navigation, the regulation of marine traffic or the use of sea lanes or traffic separation schemes;

-
- (ii) fishing vessels, and the prevention of fishing, including the stowage of fishing gear; and
 - (iii) customs, excise, immigration or health controls in relation to the loading or unloading of any commodity, currency or person.

(4) In exercising the right of transit passage of a relevant strait, a foreign aircraft —

- (a) shall observe the Rules of the Air established by the International Civil Aviation Organisation as they apply to civil aircraft, and a state aircraft shall normally comply with such safety measures and shall at all times operate with due regard for safety of navigation;
- (b) shall comply with any applicable order made under section 20 with respect to the use of air routes or traffic separation schemes; and
- (c) shall at all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) For the purposes of this section, the transit of a foreign ship or aircraft does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by *force majeure* or distress.”

(6) In this section, "relevant strait" means a strait between Grenada and a foreign state which is being used for international navigation between —

- (a) one part of the high sea or the zone;
and
- (b) another part of the high seas or the zone.

Archipelagic
sea lanes
passage.

19.—(1) Every foreign ship or aircraft may, subject to and in accordance with this section and international law, exercise the right of archipelagic sea lanes passage, that is to say, a right of navigation or overflight in the normal mode through or over archipelagic waters for the purpose of continuous, expeditious and unobstructed transit between —

- (a) one part of the high seas or the zone; and
- (b) another part of the high seas or the zone.

(2) Subject to subsection (5), the right of archipelagic sea lanes passage may be exercised only through sea lanes or air routes designated pursuant to section 20.

(3) In exercising the right of archipelagic sea lanes passage a foreign ship shall comply with —

- (a) generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships, which have effect in relation to archipelagic waters; and
- (b) the provisions of the Regulations, and with any enactment, order or direction,

which have effect in relation to archipelagic waters and the ship for or with respect to the safety of navigation or the regulation of marine traffic.

(4) In exercising the right of archipelagic sea lane passage a foreign aircraft shall observe the requirements of section 18 (4) (a) and (c).

(5) To the extent that the Minister does not, pursuant to section 20, designate sea lanes or air routes through or over archipelagic waters, the right of archipelagic sea lanes passage may be exercised through or over the routes normally used for international navigation or overflight, as the case may be.

(6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by *force majeure* or distress.

20.—(1) The Minister may, by order, designate sea lanes, air routes or traffic separation schemes for use by foreign ships or aircraft when exercising any of their rights of passage under this Part.

Designation
of sea lanes
and air
routes, etc.

(2) In exercising any power under subsection (1) the Minister shall have due regard to the requirements of international law, with respect to the exercise of the power.

PART V

Arrest, Jurisdiction and Offences

21. Subject to this section, where an offence is committed on board a foreign ship (being a merchantship or a government ship operated for commercial purposes) during its passage through the territorial sea, a

Arrest on
board foreign
ship in the
territorial
sea, etc.

prescribed power may be exercised, in relation to the offence, on board the ship during that passage, only if —

- (a) the consequences of offence extend to Grenada;
- (b) the offence is of a kind likely to disturb the peace of Grenada or the good order of the territorial sea;
- (c) the assistance of the Government or a public officer has been requested by the master or other person in charge of the foreign ship or by a diplomatic agent or consular officer of the relevant foreign state; or
- (d) it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.

(2) The limitation in subsection (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving internal waters.

(3) Subject to this section, where a foreign ship, proceeding from a port outside Grenada, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage, only if —

- (a) there are clear grounds for believing that the ship has, in the zone, committed a violation of —
 - (i) applicable international rules and standards for the prevention,

reduction and control of pollution
from ships; or

- (ii) any provision of the Regulations or any enactment, conforming to and giving effect to any such rules and standards; and

(b) there —

- (i) are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
- (ii) is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Grenada or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in section (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a ship unless the ship has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other

relevant information required to establish whether a violation of the kind referred to in subsection (3) (a) has occurred.

(7) The prescribed power referred to in subsection (8) (b) shall not be exercised in relation to a ship whenever appropriate procedures, which bind Grenada have been established, either through the competent international organisation or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the ship.

(8) For the purposes of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and -

- (a) for the purpose of subsection (3) (b) (i), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3) (a); and
- (b) for the purpose of subsection (3) (b) (ii), includes a power to detain a ship.

Civil
jurisdiction
in relation
to foreign
ships in the
territorial
sea.

22.—(1) No foreign ship passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the ship.

(2) Subject to subsection (3), no person shall arrest or levy execution against a foreign ship passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course or of the purpose of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying of execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

23.—(1) Where a foreign ship engages in any of the activities specified in paragraphs (a) to (k) of subsection (2) of section 17, or prescribed under paragraph (1) of that subsection, as the case may be, or where a member of the Police Force or a person authorised by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activity, the member of the Police Force or authorised person may exercise all or any of the following powers, namely —

Powers of
police and
authorized
persons.

- (a) stop and board the ship for the purpose of carrying out enquiries and investigations;
- (b) without a warrant arrest the ship and bring it into a port in Grenada; or
- (c) without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Grenada.

(2) Where the passage of a foreign ship is deemed under section 17 (2) to be prejudicial to the peace, good order or security of Grenada, the captain or other person in charge of the ship and any person participating in the activity of the ship which is deemed

to be so prejudicial, is guilty of an offence under this Act and liable —

- (a) on conviction on indictment, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both; or
- (b) on summary conviction, to a fine not exceeding \$30,000 or imprisonment for a term not exceeding 2 years or both.

and in addition the court may order the forfeiture of any vessels engaged, or equipment used, in any activity which is the subject of the offence.

(3) On a prosecution for an offence under subsection (2) it is sufficient defence if the defendant proves that the foreign ship had, under section 17 (3) (b), due authority for engaging in the activity concerned.

(4) In the exercise under this section of the power of enforcement against a foreign ship a member of the Police Force or a person authorised by the Minister shall not endanger the safety of navigation of, or otherwise create any hazard to, the ship, or bring the ship to an unsafe port or anchorage, or expose the marine environment to any unreasonable risks.

(5) Any person who in any way obstructs or hinders a Police Officer or an authorized person acting in exercise of any power conferred by subsection (1) is guilty of an offence under this Act and liable on conviction to the penalty referred to in subsection (2) (a) or (b).

Immunity.

24.—(1) Where the passage of a foreign ship is deemed under section 17 (2) to be prejudicial to the

peace, good order or security of Grenada and the ship or any person on board thereof who participates in the activity which is deemed to be prejudicial is entitled to state or other immunity recognised by law, the flag state of the ship and the state of nationality of the person shall be deemed to bear international responsibility for the activity of the ship.

(2) When the flag state of a ship or the state of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.

25. (1) Subject to this Act, no person shall on the continental shelf or within the zone, except under or in accordance with an agreement with the Government of Grenada, a permit granted under this Act by the Minister, or any licence, permit or other authority granted or issued under any other law —

Exploitation
of resources
of
continental
shelf, etc.,
without
authority.

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

- (a) on conviction or indictment, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both; or

-
- (b) on summary conviction, to a fine not exceeding \$30,000 or imprisonment for a term not exceeding 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.

Jurisdiction.

26. (1) For the purposes of the exercise of the jurisdiction of the courts of Grenada, the territory of Grenada shall include the internal waters, the territorial sea and the archipelagic waters.

(2) The jurisdiction and powers of the courts of Grenada extend to the continental shelf and the zone for the purposes of giving effect to this Act and any other enactment extended to the continental shelf or the zone under section 31, as if the continental shelf or the zone were a part of the territory of Grenada.

(3) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to internal waters, the territorial sea, archipelagic waters, the continental shelf or the zone, the offence may be dealt with and determined by a magistrate assigned to any magisterial district, and the magistrate shall have and may exercise all the powers, privileges, rights and jurisdiction conferred on him by the Magistrates Ordinance.

(4) The quasi-criminal and civil jurisdiction conferred on a magistrate by the Magistrates Ordinance shall in relation to the internal waters, the territorial sea, archipelagic waters, the continental shelf or the zone be exercised by a magistrate assigned to any magisterial District.

(5) The jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction conferred on or exercisable by the court apart from this Act.

27. (1) In any proceeding in a court in relation to internal waters, the territorial sea, archipelagic waters, the continental shelf or the zone, the averment that an offence was committed or that an act was done within the limits of that sea, those waters, the continental shelf or, as the case may be, the zone, shall until the contrary is proved, be deemed to be *prima facie* evidence that the *locus in quo* was as so averred.

Locus of
offence,
etc.

(2) For the purposes of any law conferring jurisdiction on a court in Grenada, an incident which occurs within the limits of the continental shelf or the zone shall be deemed to have occurred in Grenada if —

- (a) the incident occurs in, on, under, above or in relation to any structure or within 500 metres of the structure; and
- (b) the incident, if it had occurred in Grenada, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

(3) In subsection (2), “structure” including any moored ship, artificial island, offshore terminal or offshore installation.

PART VI

General

28. The Minister shall cause to be prepared such charts, or lists of geographical co-ordinates specifying

Charts of
maritime
areas, etc.

the geodetic datum, as he thinks fit, showing all or any of the following matters, namely —

- (a) the baselines, the low-water lines, and any closing lines prescribed pursuant to section 6 (2);
- (b) the seaward limits of the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone; or
- (c) the axis of sea lanes, air routes or traffic separation schemes designated pursuant to section 20.

Evidence of
charts, etc.

29. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 20, shall be received in any proceedings as evidence of any matter referred to in that section and shown in the document.

Publicity of
charts, etc.

30.—(1) The Minister shall cause —

- (a) due publicity to be given, in such manner as he deems appropriate, to charts or lists or geographical co-ordinates prepared pursuant to section 20; and
- (b) a copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

(2) The Minister may, by notice, specify the place where any person may inspect any chart or list so prepared or purchase a certified copy thereof.

31.—(1) The Minister may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the continental shelf or the zone or any part thereof, and an enactment so extended shall have effect in relation to the continental shelf or, as the case may be, the zone as if it had been enacted by this Act.

Application of certain enactments to continental shelf, etc.

(2) An order made under this section is subject to affirmative resolutions of the Senate and House of Representatives —

32. The Minister may, by order, for the purpose of giving effect to —

Alteration in relation to the territorial sea, etc.

- (a) international law or state practice;
- (b) any agreement of the kind referred to in section 5 or 16; or
- (c) the settlement reached in relation to any dispute, make provision with respect to the delimitation of the territorial sea, the continental shelf or the exclusive economic zone, as the case may be, and the order shall have effect accordingly.

33.—(1) A reference in any law —

References to maritime areas in any law.

- (a) to “territorial waters” or “territorial waters of Grenada” shall, in relation to any period after the commencement of this Act, be deemed to be a reference to the territorial sea construed in accordance with section 5; or
- (b) to a maritime area shall, in relation to any such period, be construed in accordance

with the provisions of this Act relating to that area.

(2) In subsection (1) (b), “maritime area” means —

- (a) the internal waters;
- (b) the territorial sea;
- (c) the archipelagic waters;
- (d) the contiguous zone;
- (e) the continental shelf; or
- (f) the exclusive economic zone.

Regulations. 34.—(1) The Minister may make regulations generally for carrying into effect the provisions of this Act,

(2) In particular, without limiting the generality of subsection (1), such regulations may provide for all or any of the following matters, namely —

- (a) regulating the conduct of any person in the territorial sea or archipelagic waters, or within the exclusive economic zone or on or in relation to the continental shelf;
- (b) regulating, in relation to the continental shelf —
 - (i) the exploration for, and exploitation and management of, natural resources;
 - (ii) the prevention, and control of marine pollution;

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- (iii) the construction, operation and use of artificial islands, installations and structures; and
 - (iv) the authorisation and control of marine scientific research;
- (c) regulating, in relation to the exclusive economic zone, —
- (i) the exploration or, and exploitation, conservation and management of, the natural resources, whether living or non-living, of the sea-bed, subsoil and superjacent waters;
 - (ii) other activities for the economic exploitation of the zone;
 - (iii) the protection and preservation of the marine environment of the zone;
 - (iv) the construction, operation and use of artificial islands, installations and structures; and
 - (v) the authorisation and control of marine scientific research;
- (d) providing for such other matters as are necessary or expedient for giving full effect to the rights and jurisdiction of Grenada in relation the continental shelf or the zone;

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- (e) regulating, generally, the use of the internal sea, archipelagic waters or the territorial sea;
 - (f) providing for the exercise of powers and authorities in relation to the contiguous zone for the purposes of section 9 (3);
 - (g) the fees to be paid under this Act whether in connection with any activity or otherwise; and
 - (h) annexing to the contravention of any regulation made under this section of a punishment on summary conviction of a fine not exceeding \$30,000 or of imprisonment for a term not exceeding 2 years or both.

Savings in respect of the Grenada Fisheries Act 1986, etc.

35. Except as provided in section 36, this Act shall not affect the operation of, or anything lawfully done under or for the purposes of, —

- (a) the Grenada Fisheries Act, 1986;
- (b) the Petroleum and Natural Gas Deposits Act 1988; or
- (c) any licence, lease or other authority issued or granted, or agreement entered into, under either of those Acts.

Amendment of Act No. 15 of 1986.

36. The Grenada Fisheries Act 1986 is amended —

- (a) by the deletion of the definition of “fishery waters” and by the substitution therefor of the following definition :—

“ “fishery waters” means the waters of the territorial sea and of the exclusive economic zone, and the internal waters and the archipelagic waters, as defined in the Grenada Territorial Sea and Maritime Boundaries Act 1988, and any other waters over which Grenada claims fisheries jurisdiction”;

(b) by the repeal of section 42.

37. The Grenada Territorial Waters Act, 1978, and the Marine Boundaries Act, 1978, are repealed.

Repeal of
Acts Nos. 17
and 20 of
1978.

38. This Act shall come into force on such date as the Minister may appoint by order published in the *Gazette*.

Commence-
ment.

Passed by the House of Representatives this 24th day of May, 1989.

CURTIS V. STRACHAN
Clerk to the House of Representatives.

Passed by the Senate this 29th day of June, 1989.

CURTIS V. STRACHAN
Clerk to the Senate.

GRENADA.

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