



An Bille um Dhlínse Mhuirí, 2021
Maritime Jurisdiction Bill 2021

Mar a tionscnaíodh

As initiated



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MARITIME JURISDICTION BILL 2021

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AN BILLE UM DHLÍNSE MHUIRÍ, 2021
MARITIME JURISDICTION BILL 2021

Bill

entitled

An Act to make provision in respect of the maritime jurisdiction of the State and for that purpose to give effect to certain provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982; to provide for the repeal of sections 2 and 3 of the Continental Shelf Act 1968 and Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows: 10

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Maritime Jurisdiction Act 2021.
- (2) This Act (other than *sections 32 and 33*) shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal of different provisions of enactments effected by *section 4*. 15

Interpretation 20

2. (1) In this Act—
 - “Act of 1968” means the Continental Shelf Act 1968;
 - “Act of 2006” means the Sea-Fisheries and Maritime Jurisdiction Act 2006;
 - “artificial island” means any part of the seabed or of a submerged seabed feature that, by human modification, has been brought above water at low-tide; 25
 - “baseline” means—
 - (a) a baseline construed in accordance with *section 6(1)*,
 - (b) a straight baseline that is prescribed by order under *section 6(2)(a)*,

- (c) the closing line of the mouth of any bay that is prescribed by order under *section 6(2)(b)*, or
- (d) a baseline standing prescribed, for the time being, by order referred to in *section 6(3)*;
- “contiguous zone” shall be construed in accordance with *section 12*; 5
- “continental shelf” shall be construed in accordance with *section 16*;
- “Convention” means the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, the text of Parts II, V and VI of which is set out in *Schedule 1*;
- “designated area” means— 10
- (a) an area that is designated by order under *section 17(1)*, or
- (b) an area standing designated, for the time being, by order referred to in *section 17(2)*;
- “energy product” means electricity, natural gas, petroleum or any derivative of petroleum; 15
- “exclusive economic zone” shall be construed in accordance with *section 13*;
- “foreign ship” means a ship that is not an Irish ship (within the meaning of section 9 of the Mercantile Marine Act 1955);
- “installation” includes—
- (a) any fixed structure, 20
- (b) any floating structure or device maintained on a station by whatever means, and
- (c) any vessel which is for the time being within the vicinity of an installation and being used in connection with the operation of the installation;
- “internal waters” shall be construed in accordance with *section 8*;
- “Irish ship” means— 25
- (a) a ship within the meaning of section 9 of the Mercantile Marine Act 1955, or
- (b) on and from the commencement of section 7 of the Merchant Shipping (Registration of Ships) Act 2014, a ship within the meaning of section 33 of that Act;
- “low-tide elevation” means a naturally formed area of land surrounded by and above 30 water at low water but submerged at high water;
- “Minister” means the Minister for Foreign Affairs;
- “nautical mile” means 1,852 metres;
- “outer limit of the territorial sea” means—
- (a) the line every point of which is at a distance of 12 nautical miles from the nearest 35 point of the baseline, or

(b) in relation to a part of the territorial sea to which an order under *section 7* for the time being applies, the outer limit of the territorial sea prescribed by that order;

“territorial sea” shall be construed in accordance with *section 7*;

“wrong” has the meaning assigned to it by the Civil Liability Act 1961.

(2) A word or expression that is used in the Convention and in this Act shall, unless the context otherwise requires, have the same meaning in this Act that it has in the Convention. 5

(3) References in this Act to an act include references to an omission and references to the doing of an act include references to the making of an omission.

Laying of orders before Houses of Oireachtas 10

3. Every order (other than an order under *section 1(2)*) under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 15

Repeals

4. The following are repealed:

(a) sections 2 and 3 of the Act of 1968;

(b) Part 3 of the Act of 2006.

Expenses 20

5. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

PART 2

BASELINE, TERRITORIAL SEA AND CONTIGUOUS ZONE, ETC. 25

Baseline

6. (1) Each of the following is the baseline for the purposes of this Act:

(a) the low-water mark on the coast of the mainland or of an island;

(b) the low-water mark on any low-tide elevation situated wholly or partly at a distance not exceeding 12 nautical miles from the mainland or an island; 30

(c) the straight line across the mouth of a river between the most seaward point at the low-water mark on each bank of the river, where that river flows directly into the sea.

- (2) (a) Notwithstanding *subsection (1)*, the Government may by order prescribe a straight baseline in relation to any part of the State in accordance with article 7 of the Convention.
- (b) Notwithstanding *subsection (1)*, the Government may by order prescribe the closing line of the mouth of any bay in accordance with article 10 of the Convention. 5
- (3) The Maritime Jurisdiction (Straight Baselines) Order 2016 (S.I. No. 22 of 2016) and the Maritime Jurisdiction (Bay Closing Lines) Order 2019 (S.I. No. 155 of 2019) shall continue in operation and have effect on and after the commencement of *paragraph (b)* of *section 4* as if made under this section, and may be amended or revoked accordingly. 10
- (4) In this section—
- “bay” means a well-marked indentation on the coast the area of which is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation; 15
- “island” means a naturally formed area of land surrounded by water which is above water at high water.

Territorial sea

7. (1) The territorial sea of the State is that portion of the sea which lies between the baseline and the outer limit of the territorial sea. 20
- (2) The Government may by order prescribe the line of delimitation of a part of the territorial sea of the State in accordance with article 15 of the Convention and any line of delimitation so prescribed shall be taken as the outer limit for that part.

Internal waters

8. (1) The internal or inland waters of the State extend to all sea areas which lie on the landward side of the baseline. 25
- (2) The sea areas referred to in *subsection (1)* shall be subject to the jurisdiction of the State to the same extent in all respects as its ports and harbours, lakes and rivers, subject to any right of innocent passage for foreign ships in those sea areas which had not previously been enclosed by straight baselines (in accordance with *section 6*). 30

State sovereignty and ownership of territorial sea

9. (1) The sovereignty of the State extends to its territorial sea, the seabed and subsoil of the territorial sea and to the airspace above it.
- (2) Without prejudice to *subsection (1)*, the State owns and has always owned the seabed and subsoil of the territorial sea and of the sea areas of the internal waters, including the mineral and other non-living resources located in or under the seabed of the territorial sea and of the sea areas of the internal waters, and of all forms of potential energy on, in, under and above the territorial sea and the sea areas of the internal waters. 35

Jurisdiction in case of offence on foreign ship in territorial sea

10. (1) Every offence committed on board or by means of a foreign ship that is within the territorial sea or internal waters is an offence within the jurisdiction of the State and may be dealt with by a court of competent jurisdiction.
- (2) A person who commits an offence to which *subsection (1)* applies may be arrested, tried and punished accordingly. 5
- (3) For the purpose of arresting any person charged with an offence which, in accordance with this section, is within the jurisdiction of the State, the territorial sea and internal waters shall be deemed to be within the jurisdiction of any court or judge having power within the State to issue warrants for the arrest of persons charged with offences committed within the jurisdiction of such court or judge. 10

Prosecution for offence on foreign ship

11. (1) Where a person who is not an Irish citizen or ordinarily resident in the State is charged with an offence alleged to have been committed in the territorial sea on board, or by means of, a foreign ship, no further proceedings in relation to the offence (other than any remand in custody or on bail) may be taken except with a certificate of the Minister that the proceedings are, in his or her opinion, appropriate in all the circumstances. 15
- (2) This section does not apply to an offence under one or more of the following: 20
- (a) the Dumping at Sea Acts 1996 to 2009;
 - (b) the Maritime Security Act 2004;
 - (c) the Merchant Shipping Acts 1894 to 2015;
 - (d) the Sea-Fisheries Acts 2003 to 2019;
 - (e) the Sea Pollution Acts 1991 to 2014.

Contiguous zone

12. (1) The contiguous zone of the State is that portion of the sea within the exclusive economic zone that lies between the outer limit of the territorial sea and the outer limit of the contiguous zone. 25
- (2) In this section “outer limit of the contiguous zone” means the line within the exclusive economic zone every point of which lies at a distance of 24 nautical miles from the nearest point of the baseline. 30

PART 3

EXCLUSIVE ECONOMIC ZONE

Exclusive economic zone

13. (1) The exclusive economic zone of the State is that portion of the sea that lies between the outer limit of the territorial sea and the outer limit of the exclusive economic zone. 35

- (2) The Government may by order prescribe the line of delimitation of a part of the exclusive economic zone of the State in accordance with article 74 of the Convention.
- (3) The Maritime Jurisdiction (Boundaries of Exclusive Economic Zone) Order 2014 (S.I. No. 86 of 2014) shall continue in operation and have effect on and after the commencement of *paragraph (b) of section 4* as if made under this section, and may be amended or revoked accordingly. 5
- (4) In this section “outer limit of the exclusive economic zone” means—
 - (a) the line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline,
 - (b) in relation to a part of the exclusive economic zone to which an order under *subsection (2)* for the time being applies, the line of delimitation prescribed by that order, or 10
 - (c) in relation to a part of the exclusive economic zone to which the Order referred to in *subsection (3)* for the time being applies, the boundaries of the exclusive economic zone of the State described in articles 2 and 3 of that Order. 15

Rights and jurisdiction of State in exclusive economic zone

14. In the exclusive economic zone, the State has—

- (a) sovereign rights—
 - (i) for the purpose of the exploration, exploitation, conservation and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and 20
 - (ii) with regard to other activities for the economic exploitation and exploration of the zone, including—
 - (I) the production of energy from the water, currents and winds,
 - (II) the storage of natural gas and other energy products, 25
 - (III) the recovery of geothermal energy, and
 - (IV) the sequestration of carbon,
- and
- (b) jurisdiction with regard to—
 - (i) the establishment and use of artificial islands and installations, 30
 - (ii) marine scientific research, and
 - (iii) the protection and preservation of the marine environment.

Criminal and civil jurisdiction of State in exclusive economic zone

15. (1) Where a person does an act—

- (a) on an artificial island or installation in the exclusive economic zone, and 35
- (b) that would, if done in the State, constitute an offence under the law of the State,

- the person shall be guilty of an offence and the offence shall be deemed for all purposes to be done in the State.
- (2) Where a person does an act on, under or above any waters in the exclusive economic zone, the person shall be guilty of an offence and the offence shall be deemed for all purposes to be done in the State, if the act— 5
- (a) is done in connection with the economic exploitation and exploration of the non-living natural resources of the exclusive economic zone, or so as to interfere with (or in a manner that could interfere with) such exploitation and exploration, and
- (b) would, if done in the State, constitute an offence under the law of the State.
- (3) Where a person does an act— 10
- (a) on an artificial island or installation in the exclusive economic zone, and
- (b) that would, if done in the State, constitute a wrong under the law of the State, the person commits a wrong and the wrong shall be deemed for all purposes to be done in the State.
- (4) Where a person does an act on, under or above any waters in the exclusive economic zone, the person commits a wrong and the wrong shall be deemed for all the purposes to be done in the State, if the act— 15
- (a) is done in connection with the economic exploitation and exploration of the non-living natural resources of the exclusive economic zone, or so as to interfere with (or in a manner that could interfere with) such exploitation and exploration, and 20
- (b) would, if done in the State, constitute a wrong under the law of the State.
- (5) Any jurisdiction conferred on any court under *subsections (1) to (4)* shall be without prejudice to any jurisdiction exercisable apart from those subsections by that or any other court.

PART 4 25

CONTINENTAL SHELF

Continental shelf

- 16.** (1) The continental shelf of the State comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory of the State to the outer limit of the continental shelf. 30
- (2) In this section “outer limit of the continental shelf” of the State means—
- (a) subject to *paragraphs (b) and (c)*, the outer edge of the continental margin (within the meaning of article 76 of the Convention),
- (b) subject to *paragraph (c)*, the line every point of which lies at a distance of 200 nautical miles from the nearest point on the baseline where the said continental margin does not extend to that distance, or 35

- (c) the line of delimitation of the continental shelf between the State and another state determined in accordance with article 83 of the Convention.

Designated area

17. (1) The Government may by order designate an area of the continental shelf that is within the outer limit of the continental shelf (within the meaning of *section 16*) as being an area in which the State may exercise the rights and jurisdiction referred to in *section 18*. 5
- (2) The following Orders shall continue in operation and have effect on and after the commencement of *paragraph (a)* of *section 4* as if made under this section, and may be amended or revoked accordingly: 10
- (a) Continental Shelf (Designated Areas) Order 1993 (S.I. No. 92 of 1993);
 - (b) Continental Shelf (Designated Areas) Order 2009 (S.I. No. 163 of 2009);
 - (c) Continental Shelf (Designated Areas) Order 2014 (S.I. No. 87 of 2014).

Rights and jurisdiction of State in designated area

18. (1) In a designated area, the State may exercise: 15
- (a) sovereign rights for the purpose of exploring the continental shelf and exploiting the mineral and other non-living resources of the seabed and subsoil, together with any living organisms belonging to sedentary species;
 - (b) exclusive jurisdiction over artificial islands and installations;
 - (c) the exclusive right to construct and to authorise and regulate the construction, operation and use of— 20
 - (i) artificial islands,
 - (ii) any installation for use in the exploration of the continental shelf and exploitation of its non-living resources, and
 - (iii) any installation that may interfere with the exercise of the rights of the State on the continental shelf; 25
 - (d) the exclusive right to authorise and regulate drilling and tunnelling on the continental shelf for any purpose;
 - (e) the right to delineate the course of a submarine pipeline to be laid by any other state across any part of the continental shelf of the State; 30
 - (f) the right to regulate, authorise and conduct marine scientific research.
- (2) In *subsection (1)* “sedentary species” means 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 its subsoil.

Civil and criminal jurisdiction of State in designated area

19. (1) Where a person does an act—

- (a) on an artificial island or installation in a designated area, and
 - (b) that would, if done in the State, constitute an offence under the law of the State,
- the person shall be guilty of an offence and the offence shall be deemed for all purposes to be done in the State.
- (2) Where a person does an act in a designated area the person shall be guilty of an offence and the offence shall be deemed for all purposes to be done in the State, if the act—
- (a) is done in connection with the economic exploitation and exploration of the non-living natural resources of a designated area, or so as to interfere with (or in a manner that could interfere with) such exploitation and exploration, and
 - (b) would, if done in the State, constitute an offence under the law of the State.
- (3) Where a person does an act—
- (a) on an artificial island or installation in a designated area, and
 - (b) that would, if done in the State, constitute a wrong under the law of the State,
- the person commits a wrong and the wrong shall be deemed for all purposes to be done in the State.
- (4) Where a person does an act in a designated area the person commits a wrong and the wrong shall be deemed for all purposes to be done in the State, if the act—
- (a) is done in connection with the economic exploitation and exploration of the non-living of natural resources of a designated area, or so as to interfere with (or in a manner that could interfere with) such exploitation and exploration, and
 - (b) would, if done in the State, constitute an offence under the law of the State.
- (5) Any jurisdiction conferred on any court under *subsections (1) to (4)* shall be without prejudice to any jurisdiction exercisable apart from those subsections by that or any other court.

PART 5

MISCELLANEOUS

Construction of references and consequential amendments – territorial seas

- 20.** (1) References (howsoever expressed) to the territorial seas, in relation to the maritime jurisdiction of the State, in any enactment passed or made before the commencement of *section 7*, shall be construed as references to the territorial sea, unless the context otherwise requires.
- (2) References in any enactment to sea areas and waters within 3 miles, 3 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 sea.

- (3) Without prejudice to the generality of *subsection (1)*, each enactment specified in *column (2)* of *Schedule 2* is amended to the extent specified in *columns (3)* and *(4)* of that Schedule.

Evidence as to extent of internal waters, territorial sea, exclusive economic zone and continental shelf 5

21. (1) United Kingdom Hydrographic Office charts may be used for the purposes of establishing—
- (a) the low-water mark,
 - (b) the existence and position of any low-tide elevation, or
 - (c) any other feature relevant to the delineation of the territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf. 10
- (2) The Government may by order prescribe charts other than United Kingdom Hydrographic Office charts for the purposes referred to in *subsection (1)* and any chart so prescribed shall be received in evidence as if it were a chart referred to in that subsection. 15
- (3) Any chart purporting to be a copy of a United Kingdom Hydrographic Office chart shall, unless the contrary is proved, be received in evidence as being such a chart without further proof.
- (4) In this section “United Kingdom Hydrographic Office” means the hydrographic office that is part of the United Kingdom Ministry of Defence and “United Kingdom Hydrographic Office charts” shall be construed accordingly. 20

Offences committed on board Irish ship outside territorial sea

22. Where a person does an act—
- (a) on board or by means of an Irish ship that is outside the territorial sea and internal waters, and 25
 - (b) that would, if done in the State, constitute an offence under the law of the State,
- the person shall be guilty of an offence and the offence shall be deemed, for all the purposes relating to that offence, to be done in the State.

Offence - directors and others of body corporate

23. (1) Where an offence to which this Act applies is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate or person purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 30 35
- (2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her

functions of management as if he or she were a director or manager of the body corporate.

Prosecutions

24. Proceedings for an offence to which this Act applies may be taken in any place in the State, and the offence may for all incidental purposes be treated as having been committed in that place. 5

PART 6

AMENDMENTS OF OTHER ACTS OF OIREACHTAS

Amendment of Act of 1968

25. Section 1 of the Act of 1968 is amended by the substitution of the following definition for the definition of “designated area”: 10

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*.”.

Amendment of National Monuments (Amendment) Act 1987

26. The National Monuments (Amendment) Act 1987 is amended— 15

- (a) in section 1(1), by the substitution of the following definition for the definition of “territorial waters of the State”:

“ ‘territorial waters of the State’ means the territorial sea of the State within the meaning of the *Maritime Jurisdiction Act 2021*, and the internal waters of the State construed in accordance with *section 8* of that Act;”, 20

and

- (b) in section 3(1), by the substitution of “of the contiguous zone of the State within the meaning of the *Maritime Jurisdiction Act 2021*” for “to which section 2(1) of the Continental Shelf Act 1968, applies”. 25

Amendment of National Monuments (Amendment) Act 1994

27. The National Monuments (Amendment) Act 1994 is amended—

- (a) in section 1(1)—

- (i) in the definition of “ ‘water’ or ‘waters’ ”, by the substitution of the following paragraph for paragraph (d): 30

“(d) the waters of the contiguous zone.”,

and

- (ii) by the insertion of the following definition:

“ ‘contiguous zone’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

and

- (b) in section 2(1), by the insertion of “(other than in the contiguous zone)” after “the ownership of any archaeological object found in the State”. 5

Amendment of Dumping At Sea Act 1996

28. Section 1 of the Dumping At Sea Act 1996 is amended—

- (a) by the deletion of “ ‘exclusive economic zone of the State’ and ‘inland waters and territorial seas of the State’ have the meanings assigned to them by Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;”, 10

- (b) by the insertion of the following definitions:

“ ‘exclusive economic zone of the State’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;

‘inland waters of the State’ shall be construed in accordance with *section 8* of the *Maritime Jurisdiction Act 2021*; 15

‘territorial sea of the State’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

and

- (c) in the definition of “the maritime area”—

(i) in clause (I), by the substitution of “territorial sea” for “territorial seas”, and 20

- (ii) by the substitution of the following for clause (II):

“(II) a designated area within the meaning of the *Maritime Jurisdiction Act 2021*, and”.

Amendment of Taxes Consolidation Act 1997

29. The Taxes Consolidation Act 1997 is amended— 25

- (a) in section 13(1), by the substitution of the following definition for the definition of “designated area”:

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

- (b) in section 29(1), by the substitution of the following definition for the definition of “designated area”: 30

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

- (c) in section 684(1), by the substitution of the following definition for the definition of “designated area”: 35

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

- (d) in section 697A(1), in the definition of “qualifying ship”, in paragraph (g) by the substitution of “outside the portion of the sea which is, for the purposes of the *Maritime Jurisdiction Act 2021*, the territorial sea of the State” for “outside the portion of the seas which are for the purposes of the *Maritime Jurisdiction Act 1959*, the territorial seas of the State”, 5

- (e) in section 763(1), by the substitution of the following definition for the definition of “designated area”:

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”, 10

and

- (f) in section 980(1), by the substitution of the following definition for the definition of “designated area”:

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”. 15

Amendment of Electricity Regulation Act 1999

30. Section 13A(1) of the Electricity Regulation Act 1999 is amended—

- (a) by the deletion of the definition of “Act of 1968”,

- (b) by the substitution of the following definition for the definition of “designated area”: 20

“ ‘designated area’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

- (c) by the deletion of “ ‘exclusive economic zone’, ‘internal waters’ and ‘territorial seas’ have the meanings assigned to them, respectively, by Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006”, 25

- (d) by the insertion of the following definitions:

“ ‘exclusive economic zone’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;

‘internal waters’ shall be construed in accordance with *section 8* of the *Maritime Jurisdiction Act 2021*; 30

‘territorial sea’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

and

- (e) in the definition of “licenced area”, in paragraph (a), by the substitution of “the internal waters of the State and the territorial sea of the State” for “the internal waters and the territorial seas”. 35

Amendment of Act of 2006

31. The Act of 2006 is amended—

(a) in section 6—

(i) by the substitution of the following definition for the definition of “exclusive fishery limits of the State”:

5

“ ‘exclusive fishery limits of the State’ comprise all seas that lie inside the outer limit of the exclusive economic zone;”,

and

(ii) by the insertion of the following definition:

“ ‘exclusive economic zone’ has the same meaning as it has in the *Maritime Jurisdiction Act 2021*;”,

10

(b) in section 10(2), by the substitution of “the *Maritime Jurisdiction Act 2021*” for “section 85”, and

(c) in section 17A(9), in the definition of “place”, by the substitution of “the *Maritime Jurisdiction Act 2021*” for “the Continental Shelf Act 1968”.

15

Amendment of Merchant Shipping (Registration of Ships) Act 2014

32. (1) Section 2 of the Merchant Shipping (Registration of Ships) Act 2014 is amended, in the definition of “Irish waters”, by the substitution of “territorial sea” for “territorial seas” in each place that it occurs.

(2) This section shall come into operation on the commencement of section 2 of the Merchant Shipping (Registration of Ships) Act 2014.

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Amendment of Minerals Development Act 2017

33. (1) Section 6 of the Minerals Development Act 2017 is amended—

(a) by the substitution of the following paragraph for paragraph (a):

“(a) the territorial sea (within the meaning of the *Maritime Jurisdiction Act 2021*), or”,

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and

(b) in paragraph (b), by the substitution of “the *Maritime Jurisdiction Act 2021*” for “section 2 of the Continental Shelf Act 1968”.

(2) This section shall come into operation on the commencement of section 6 of the Minerals Development Act 2017.

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SCHEDULE 1

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982

Parts II, V and VI

PART II

TERRITORIAL SEA AND CONTIGUOUS ZONE 5

SECTION 1. GENERAL PROVISIONS

Article 2

Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters 10 and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to 15 other rules of international law.

SECTION 2. LIMITS OF THE TERRITORIAL SEA

Article 3

Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 20 12 nautical miles, measured from baselines determined in accordance with this Convention.

Article 4

Outer limit of the territorial sea

The outer limit of the territorial sea is the line every point of which is at a distance from the 25 nearest point of the baseline equal to the breadth of the territorial sea.

Article 5

Normal baseline

Except where otherwise provided in this Convention, the normal baseline for measuring the 30 breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 6

Reefs

In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State. 5

Article 7

Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured. 10

2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention. 15

3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.

4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition. 20

5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage. 25

6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.

Article 8

Internal waters 30

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters. 35

Article 9

Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10

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Bays

1. This article relates only to bays the coasts of which belong to a single State.
2. For the purposes of this Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation. 10
3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation. 15
4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 nautical miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters. 20
5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length. 25
6. The foregoing provisions do not apply to so-called "historic" bays, or in any case where the system of straight baselines provided for in article 7 is applied.

Article 11

Ports

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works. 30

Article 12

Roadsteads

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, 35

are included in the territorial sea.

Article 13

Low-tide elevations

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea. 5

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own. 10

Article 14

Combination of methods for determining baselines

The coastal State may determine baselines in turn by any of the methods provided for in the foregoing articles to suit different conditions.

Article 15

15

Delimitation of the territorial sea between States with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith. 20

Article 16

Charts and lists of geographical coordinates

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1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted. 30

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

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SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA

SUBSECTION A

RULES APPLICABLE TO ALL SHIPS

Article 17

Right of innocent passage

5

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18

Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of: 10
 - (a) traversing that sea 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 roadstead or port facility.
2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered 15 necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 19

Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security 20 of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.
2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following 25 activities:
 - (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
 - (b) any exercise or practice with weapons of any kind;
 - (c) any act aimed at collecting information to the prejudice of the defence or security of 30 the coastal State;
 - (d) any act of propaganda aimed at affecting the defence or security of the coastal State;
 - (e) the launching, landing or taking on board of any aircraft;
 - (f) the launching, landing or taking on board of any military device;

- (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;
- (h) any act of wilful and serious pollution contrary to this Convention;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities; 5
- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;
- (l) any other activity not having a direct bearing on passage.

Article 20

Submarines and other underwater vehicles 10

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 21

Laws and regulations of the coastal State relating to innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following: 15
 - (a) the safety of navigation and the regulation of maritime traffic;
 - (b) the protection of navigational aids and facilities and other facilities or installations;
 - (c) the protection of cables and pipelines; 20
 - (d) the conservation of the living resources of the sea;
 - (e) the prevention of infringement of the fisheries laws and regulations of the coastal State;
 - (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof; 25
 - (g) marine scientific research and hydrographic surveys;
 - (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.
2. Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards. 30
3. The coastal State shall give due publicity to all such laws and regulations.
4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea. 35

Article 22

Sea lanes and traffic separation schemes in the territorial sea

1. The coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships. 5
2. In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.
3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account: 10
 - (a) the recommendations of the competent international organization;
 - (b) any channels customarily used for international navigation;
 - (c) the special characteristics of particular ships and channels; and
 - (d) the density of traffic. 15
4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.

Article 23

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances 20

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 24 25

Duties of the coastal State

1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not: 30
 - (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or
 - (b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.
2. The coastal State shall give appropriate publicity to any danger to navigation, of which 35

it has knowledge, within its territorial sea.

Article 25

Rights of protection of the coastal State

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent. 5
2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.
3. The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published. 10

Article 26

Charges which may be levied upon foreign ships 15

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination. 20

SUBSECTION B

RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES

Article 27

Criminal jurisdiction on board a foreign ship 25

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:
 - (a) if the consequences of the crime extend to the coastal State; 30
 - (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;
 - (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
 - (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances. 35

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken. 5
4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.
5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters. 10
15

Article 28

Civil jurisdiction in relation to foreign ships

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State. 20
3. Paragraph 2 is without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters. 25

SUBSECTION C

RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED
FOR NON-COMMERCIAL PURPOSES 30

Article 29

Definition of warships

For the purposes of this Convention, "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline. 35

Article 30

Non-compliance by warships with the laws and regulations of the coastal State

If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately. 5

Article 31

Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes

The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law. 10

Article 32

Immunities of warships and other government ships operated for non-commercial purposes 15

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

SECTION 4. CONTIGUOUS ZONE 20

Article 33

Contiguous zone

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; 25
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured. 30

PART V
EXCLUSIVE ECONOMIC ZONE

Article 55

Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention. 5

Article 56

Rights, jurisdiction and duties of the coastal State in the exclusive economic zone 10

1. In the exclusive economic zone, the coastal State has:
 - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; 15
 - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research; 20
 - (iii) the protection and preservation of the marine environment;
 - (c) other rights and duties provided for in this Convention.
2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention. 25
3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

Article 57

Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. 30

Article 58

Rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention. 5
2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part. 10
3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part. 15

Article 59

Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole. 20

Article 60 25

Artificial islands, installations and structures in the exclusive economic zone

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
 - (a) artificial islands;
 - (b) installations and structures for the purposes provided for in article 56 and other economic purposes; 30
 - (c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.
2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations. 35
3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any

installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed. 5

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones. 10 15

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation. 20

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf. 25

Article 61

Conservation of the living resources

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.

2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end. 30

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global. 35 40

4. In taking such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or

restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone. 5

Article 62

Utilization of the living resources

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61. 10

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein. 15

3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks. 20

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate, *inter alia*, to the following: 25

(a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry; 30

(b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period; 35

(c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;

(d) fixing the age and size of fish and other species that may be caught;

(e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports; 40

(f) requiring, under the authorization and control of the coastal State, the conduct of

specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

(g) the placing of observers or trainees on board such vessels by the coastal State;

(h) the landing of all or any part of the catch by such vessels in the ports of the coastal State; 5

(i) terms and conditions relating to joint ventures or other cooperative arrangements;

(j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research; 10

(k) enforcement procedures.

5. Coastal States shall give due notice of conservation and management laws and regulations.

Article 63

Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it 15

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part. 20

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area. 25

Article 64

Highly migratory species

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work. 30 35

2. The provisions of paragraph 1 apply in addition to the other provisions of this Part.

Article 65

Marine mammals

Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study. 5

Article 66

Anadromous stocks

1. States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks. 10

2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone and for fishing provided for in paragraph 3(b). The State of origin may, after consultations with the other States referred to in paragraphs 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers. 15

3. (a) Fisheries for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to such fishing beyond the outer limits of the exclusive economic zone, States concerned shall maintain consultations with a view to achieving agreement on terms and conditions of such fishing giving due regard to the conservation requirements and the needs of the State of origin in respect of these stocks. 20

(b) The State of origin shall cooperate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred. 25

(c) States referred to in subparagraph (b), participating by agreement with the State of origin in measures to renew anadromous stocks, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvesting of stocks originating in its rivers. 30

(d) Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.

4. In cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, such State shall cooperate with the State of origin with regard to the conservation and management of such stocks. 35

5. The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the implementation of the provisions of this article, where appropriate, through regional organizations. 40

Article 67

Catadromous species

1. A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish. 5
2. Harvesting of catadromous species shall be conducted only in waters landward of the outer limits of exclusive economic zones. When conducted in exclusive economic zones, harvesting shall be subject to this article and the other provisions of this Convention concerning fishing in these zones.
3. In cases where catadromous fish migrate through the exclusive economic zone of another State, whether as juvenile or maturing fish, the management, including harvesting, of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the other State concerned. Such agreement shall ensure the rational management of the species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species. 15

Article 68

Sedentary species

This Part does not apply to sedentary species as defined in article 77, paragraph 4.

Article 69

Right of land-locked States 20

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62. 25
2. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*:
 - (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;
 - (b) the extent to which the land-locked State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States; 30
 - (c) the extent to which other land-locked States and geographically disadvantaged States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it; 35
 - (d) the nutritional needs of the populations of the respective States.

3. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing land-locked States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 2 shall also be taken into account. 5

4. Developed land-locked States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone. 10 15

5. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to land-locked States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones. 20

Article 70

Right of geographically disadvantaged States

1. Geographically disadvantaged States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62. 25

2. For the purposes of this Part, “geographically disadvantaged States” means coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zones of other States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own. 30

3. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*: 35

(a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;

(b) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States; 40

(c) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation of the living resources of the exclusive

economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it;

(d) the nutritional needs of the populations of the respective States.

4. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing geographically disadvantaged States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 3 shall also be taken into account. 5
10

5. Developed geographically disadvantaged States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone. 15

6. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to geographically disadvantaged States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones. 20

Article 71

Non-applicability of articles 69 and 70 25

The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.

Article 72

Restrictions on transfer of rights 30

1. Rights provided under articles 69 and 70 to exploit living resources shall not be directly or indirectly transferred to third States or their nationals by lease or licence, by establishing joint ventures or in any other manner which has the effect of such transfer unless otherwise agreed by the States concerned.

2. The foregoing provision does not preclude the States concerned from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights pursuant to articles 69 and 70, provided that it does not have the effect referred to in paragraph 1. 35

Article 73

Enforcement of laws and regulations of the coastal State

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention. 5
2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.
3. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment. 10
4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

Article 74

15

Delimitation of the exclusive economic zone between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. 20
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation. 25
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement. 30

Article 75

Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation. 35

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

PART VI

CONTINENTAL SHELF

5

Article 76

Definition of the continental shelf

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. 10

2. The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.

3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof. 15

4. (a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either: 20

(i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or

(ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope. 25

(b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

5. The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres. 30

6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs. 35

7. The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude. 40

8. Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding. 5

9. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto. 10

10. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.

Article 77

Rights of the coastal State over the continental shelf

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources. 15

2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation. 20

4. The natural resources referred to in this Part consist of the 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 the subsoil. 25

Article 78

Legal status of the superjacent waters and air space and the rights and freedoms of other States

1. The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters. 30

2. The exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Convention.

Article 79

35

Submarine cables and pipelines on the continental shelf

1. All States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this article.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the coastal State may not impede the laying or maintenance of such cables or pipelines.
3. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State. 5
4. Nothing in this Part affects the right of the coastal State to establish conditions for cables or pipelines entering its territory or territorial sea, or its jurisdiction over cables and pipelines constructed or used in connection with the exploration of its continental shelf or exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction. 10
5. When laying submarine cables or pipelines, States shall have due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

Article 80 15

Artificial islands, installations and structures on the continental shelf

Article 60 applies *mutatis mutandis* to artificial islands, installations and structures on the continental shelf.

Article 81

Drilling on the continental shelf 20

The coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

Article 82

Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles 25

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources used in connection with exploitation. 30
3. A developing State which is a net importer of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of that mineral resource. 35
4. The payments or contributions shall be made through the Authority, which shall

distribute them to States Parties to this Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

Article 83

Delimitation of the continental shelf between States with opposite or adjacent coasts 5

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV. 10

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation. 15

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

Article 84

Charts and lists of geographical coordinates 20

1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation. 25

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations and, in the case of those showing the outer limit lines of the continental shelf, with the Secretary-General of the Authority.

Article 85 30

Tunnelling

This Part does not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling, irrespective of the depth of water above the subsoil.

SCHEDULE 2

Section 20

CONSEQUENTIAL AMENDMENTS

Item (1)	Act (2)	Provision (3)	Amendment (4)	
1.	Petroleum and Other Minerals Development Act 1960	Section 2	In subsection (1), by the substitution of the following definition for the definition of “offshore”: “ ‘offshore’ means situated within the territorial sea, the exclusive economic zone or a designated area (which expressions have the same meaning as they have respectively in the <i>Maritime Jurisdiction Act 2021</i>);”.	5 10 15
2.	Broadcasting (Offences) Act 1968	Section 1	In subsection (1), by the substitution of the following definition for the definition of “sea waters adjacent to the State”: “ ‘sea waters adjacent to the State’ comprises all sea areas which lie within the territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i> ;”.	20 25
3.	Gas Act 1976	Section 2	By the substitution of the following definition for the definition of “designated area”: “ ‘designated area’ has the same meaning as it has in the <i>Maritime Jurisdiction Act 2021</i> ;”.	30
4.	Gas Act 1976	Section 39A	In subsection (1), by the substitution of “the territorial sea of the State (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>) or a designated area” for “the territorial seas of the State or a designated area”.	35
5.	Gas Act 1976	Section 40	In subsection (1), by the substitution of “territorial sea of the State (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>)” for “territorial seas of the State”.	40
6.	Wildlife Act 1976	Section 2	In subsection (1), by the substitution of the following definition for the definition of “the territorial seas of the State”:	45

Item (1)	Act (2)	Provision (3)	Amendment (4)	
			“ ‘territorial sea of the State’ has the same meaning as it has in the <i>Maritime Jurisdiction Act 2021</i> ;”.	5
7.	Wildlife Act 1976	Section 15	In subsection (1)(c) by the substitution of “the territorial sea of the State” for “the territorial seas of the State”.	
8.	Wildlife Act 1976	Section 58	In subsection (1), by the substitution of “territorial sea of the State” for “territorial seas of the State”.	10
9.	Wildlife Act 1976	Section 59	In subsection (1)(d) by the substitution of “territorial sea of the State” for “territorial seas of the State”.	15
10.	Oil Pollution of the Sea (Civil Liability and Compensation) Act 1988	Section 3	<p>In subsection (2), by the substitution of the following paragraphs for paragraphs (b), (c) and (d):</p> <p>“(b) the territorial sea of the State, its seabed and subsoil,</p> <p>(c) any designated area within the meaning of the <i>Maritime Jurisdiction Act 2021</i> and the waters above it, and</p> <p>(d) the exclusive economic zone of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>;”.</p>	20 25 30
11.	Oil Pollution of the Sea (Civil Liability and Compensation) Act 1988	Section 3	<p>In subsection 2A—</p> <p>(a) by the substitution of “territorial sea” for “territorial seas” in each place that it occurs, and</p> <p>(b) in paragraph (a), by the substitution of “internal waters” for “inland waters”.</p>	35 40
12.	Prohibition of Incitement to Hatred Act 1989	Section 9	In subsection 3, by the substitution of “territorial sea or in a designated area (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>)” for “territorial seas or in a designated area (within the meaning of Continental Shelf Act 1968)”.	45

Item (1)	Act (2)	Provision (3)	Amendment (4)
13.	Sea Pollution Act 1991	Section 3	<p>By the substitution of the following subsections for subsections (2A) and (3):</p> <p>“(2A) A reference in this Act to the State includes a reference to—</p> <p>(a) the internal waters of the State,</p> <p>(b) the territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>, its seabed and subsoil, and</p> <p>(c) the exclusive economic zone of the State (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>).</p> <p>(3) A reference in this Act to a country other than the State includes a reference to the territorial sea and internal waters of that country.”.</p>
14.	Patents Act 1992	Section 117	<p>By the substitution of the following—</p> <p>(a) “territorial sea of the State” for “territorial seas of the State”,</p> <p>(b) “<i>section 8 of the Maritime Jurisdiction Act 2021</i>” for “section 86 of the Sea-Fisheries and Maritime Jurisdiction Act 2006”, and</p> <p>(c) “the <i>Maritime Jurisdiction Act 2021</i>” for “section 1 of the Continental Shelf Act 1968”.</p>
15.	Merchant Shipping (Salvage and Wreck) Act 1993	Section 2	<p>In subsection (3), by the substitution of the following paragraphs for paragraphs (a) and (b):</p> <p>“(a) in the case of the State, the territorial sea of the State for the purposes of the <i>Maritime Jurisdiction Act 2021</i> and the internal waters of the State for the purposes of that Act, or</p> <p>(b) in the case of any other state, the territorial sea and internal waters of that other state.”.</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)
16.	Criminal Justice Act 1994	Section 35	<p>(a) In subsection (2), by the substitution of “territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>” for “territorial seas of the State”, and</p> <p>(b) in subsection (6), by the substitution of “the territorial sea of any state other than the State” for “the territorial seas of any state other than the State”.</p>
17.		Section 36	<p>(a) In subsection (3), by the substitution of “territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>” for “territorial seas of the State”, and</p> <p>(b) in subsection (4), by the substitution of “<i>section 11</i> of the <i>Maritime Jurisdiction Act 2021</i>” for “section 11 of the <i>Maritime Jurisdiction Act 1959</i>”.</p>
18.	Energy (Miscellaneous Provisions) Act 1995	Section 1	<p>In subsection (1), by the substitution of the following definition for the definition of “designated area”:</p> <p>“ ‘designated area’ has the same meaning as it has in the <i>Maritime Jurisdiction Act 2021</i>”.</p>
19.	Trade Marks Act 1996	Section 101	<p>By the substitution of the following section for section 101:</p> <p>“101. For the avoidance of doubt, it is hereby declared that this Act applies to the following waters, namely, the waters in the portion of the sea which comprise the territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>, the waters in all areas of the sea to which the internal or inland waters of the State are extended by <i>section 8</i> of the <i>Maritime Jurisdiction Act 2021</i> and the waters in any area which is for the time being a designated area within the meaning of the <i>Maritime Jurisdiction Act 2021</i>.”.</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)
20.	Sea Pollution (Amendment) Act 1999	Section 1	<p>(a) In subsection (1), in the definition of “designated area” by the substitution of “the <i>Maritime Jurisdiction Act 2021</i>” for “section 2 of the Continental Shelf Act 1968”, and</p> <p>(b) in subsection (2), by the substitution of the following paragraphs for paragraphs (b) and (c):</p> <p style="padding-left: 40px;">“(b) the territorial sea of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>, its seabed and subsoil, and</p> <p style="padding-left: 40px;">(c) the exclusive economic zone of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>.”.</p>
21.	Copyright and Related Rights Act 2000	Section 185	<p>By the substitution of the following paragraph for paragraph (a):</p> <p style="padding-left: 40px;">“(a) acts undertaken in, or, under or over—</p> <p style="padding-left: 80px;">(i) the waters in the portion of the sea which comprise the territorial sea of the State,</p> <p style="padding-left: 80px;">(ii) the waters in all areas of the sea to which the internal or inland waters of the State are extended by <i>section 8</i> of the <i>Maritime Jurisdiction Act 2021</i>, and</p> <p style="padding-left: 80px;">(iii) the waters in any area which is for the time being a designated area within the meaning of the <i>Maritime Jurisdiction Act 2021</i>.”.</p>
22.	Copyright and Related Rights Act 2000	Section 290	<p>By the substitution of the following paragraph for paragraph (a):</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)	
			<p>“(a) acts undertaken in, or, under or over—</p> <p>(i) the waters in the portion of the sea which comprise the territorial sea of the State,</p> <p>(ii) the waters in all areas of the sea to which the internal or inland waters of the State are extended by <i>section 8</i> of the <i>Maritime Jurisdiction Act 2021</i>, and</p> <p>(iii) the waters in any area which is for the time being a designated area within the meaning of the <i>Maritime Jurisdiction Act 2021</i>,”.</p>	5 10 15 20
23.	Criminal Justice (Theft and Fraud Offences) Act 2001	Section 2	In subsection (1), in the definition of “premises”, by the substitution of “the territorial sea or in a designated area (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>)” for “the territorial seas or in a designated area (within the meaning of the Continental Shelf Act 1968)”.	25 30
24.	Criminal Justice (Theft and Fraud Offences) Act 2001	Section 61	By the substitution of “territorial sea or in a designated area (within the meaning of the <i>Maritime Jurisdiction Act 2021</i>)” for “territorial seas or in a designated area (within the meaning of the Continental Shelf Act 1968)”.	35
25.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 1	<p>In subsection (1), by the substitution of the following definition for the definition of “outer limit of the territorial seas”:</p> <p>“ ‘outer limit of the territorial sea’ has the meaning given to that expression by the <i>Maritime Jurisdiction Act 2021</i>;”.</p>	40 45
26.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 2	By the substitution of “outer limit of the territorial sea” for “outer limit of the territorial seas”.	

Item (1)	Act (2)	Provision (3)	Amendment (4)	
27.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 4	In subsection (1), by the substitution of “outer limit of the territorial sea” for “outer limit of the territorial seas”.	5
28.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 5	In paragraph (a)(i), by the substitution of “outer limit of the territorial sea” for “outer limit of the territorial seas”.	
29.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 14	In subsection (4), by the substitution of “outer limit of the territorial sea” for “outer limit of the territorial seas”.	10
30.	Criminal Justice (Illicit Traffic by Sea) Act 2003	Section 21	By the substitution of “outer limit of the territorial sea” for “outer limit of the territorial seas”.	
31.	Maritime Security Act 2004	Section 1	In subsection (1), in the definition of “fixed platform”, by the substitution of “the <i>Maritime Jurisdiction Act 2021</i> ” for “section 2 of the Continental Shelf Act 1968”.	15
32.	Maritime Security Act 2004	Section 3	In subsection (3), in the definition of “outside the State”— (a) in paragraph (a) by the substitution of “the <i>Maritime Jurisdiction Act 2021</i> ” for “section 2 of the Continental Shelf Act 1968”, and (b) in paragraph (b) by the substitution of “territorial sea” for “territorial seas”.	20 25
33.	Sea Pollution (Hazardous Substances) (Compensation) Act 2005	Section 2	By the substitution of the following subsection for subsection (2): “(2) A reference in this Act to the State includes a reference to— (a) the internal waters of the State, (b) the territorial sea of the State, its seabed and subsoil, and (c) the exclusive economic zone within the meaning of the <i>Maritime Jurisdiction Act 2021</i> .”.	30 35 40
34.	Maritime Safety Act 2005	Section 2	In subsection (1)—	45

Item (1)	Act (2)	Provision (3)	Amendment (4)	
			<p>(a) in the definition of “Irish waters”, by the substitution of “territorial sea” for “territorial seas” in each place that it occurs,</p> <p>(b) by the deletion of “ ‘inland waters of the State’ and ‘territorial seas of the State’ have the meanings assigned to them in Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;” and</p> <p>(c) by the insertion of the following definitions:</p> <p style="padding-left: 40px;">“ ‘inland waters of the State’ shall be construed in accordance with <i>section 8</i> of the <i>Maritime Jurisdiction Act 2021</i>;</p> <p style="padding-left: 40px;">‘territorial sea of the State’ has the meaning assigned to it by the <i>Maritime Jurisdiction Act 2021</i>;”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
35.	Sea Pollution (Miscellaneous Provisions) Act 2006	Section 3	<p>By the substitution of the following subsection for subsection (2):</p> <p style="padding-left: 40px;">“(2) A reference in this Part to the State includes a reference to—</p> <p style="padding-left: 80px;">(a) the internal waters of the State,</p> <p style="padding-left: 80px;">(b) the territorial sea of the State, its seabed and subsoil, and</p> <p style="padding-left: 80px;">(c) the exclusive economic zone of the State within the meaning of the <i>Maritime Jurisdiction Act 2021</i>.”.</p>	<p>25</p> <p>30</p> <p>35</p>
36.	Inland Fisheries Act 2010	Section 6	<p>In subsection (3)(a)—</p> <p>(a) in subparagraph (i), by the substitution of “<i>section 8</i> of the <i>Maritime Jurisdiction Act 2021</i>” for “<i>section 86</i> of the Sea-Fisheries and Maritime Jurisdiction Act 2006”, and</p> <p>(b) in subparagraph (ii), by the substitution of “within the meaning of the <i>Maritime Jurisdiction Act 2021</i>” for “this Act”.</p>	<p>40</p> <p>45</p>

Item (1)	Act (2)	Provision (3)	Amendment (4)
37.	Customs Act 2015	Section 2	In subsection (1), in the definition of “contiguous zone of the State”, by the substitution of “the <i>Maritime Jurisdiction Act 2021</i> ” for “section 84 of the Sea-Fisheries and Maritime Jurisdiction Act 2006”. 5
38.	Planning and Development (Amendment) Act 2018	Section 66	<p>In subsection (1)—</p> <p>(a) by the deletion of “ ‘Act of 2006’ means the Sea-Fisheries and Maritime Jurisdiction Act 2006”, 15</p> <p>(b) by the insertion of “ ‘Act of 2021’ means the <i>Maritime Jurisdiction Act 2021</i>”,</p> <p>(c) in the definition of “coastal waters”, in paragraph (a), by the substitution of “the <i>Act of 2021</i>” for “section 85 of the Act of 2006”, and 20</p> <p>(d) in the definition of “maritime area”—</p> <p>(i) in paragraph (b), by the substitution of “the territorial sea within the meaning of the <i>Act of 2021</i>” for “the territorial seas within the meaning of Part 3 of the Act of 2006”, 25 30</p> <p>(ii) in paragraph (c), by the substitution of “the <i>Act of 2021</i>” for “Part 3 of the Act of 2006”, and 35</p> <p>(iii) in paragraph (d) by the substitution of “territorial sea” for “territorial seas”.</p>

An Bille um Dhlínse Mhuirí, 2021

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú i leith dhlínse mhuirí an Stáit agus, chun na críche sin, do thabhairt éifeacht d'fhorálacha áirithe de Choinbhinsiún na Náisiún Aontaithe maidir le Dlí na Farraige, a rinneadh i mBá Montego an 10 Nollaig 1982; do dhéanamh socrú maidir le hailt 2 agus 3 den Acht um an Scairbh Ilchríochach, 1968 agus le Cuid 3 den Acht Iascaigh Mhara agus Dlíne Mhuirí, 2006 a aisghairm; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Seanadóir Ríona Uí Dhochartaigh a thíolaic
thar ceann an Aire Gnóthaí Eachtracha,*

4 Bealtaine, 2021

Maritime Jurisdiction Bill 2021

BILL

(as initiated)

entitled

An Act to make provision in respect of the maritime jurisdiction of the State and for that purpose to give effect to certain provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982; to provide for the repeal of sections 2 and 3 of the Continental Shelf Act 1968 and Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006; and to provide for related matters.

*Presented by Senator Regina Doherty on behalf of
the Minister for Foreign Affairs,*

4th May, 2021

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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