



LAWS OF SEYCHELLES

MARITIME ZONES ACT

CHAPTER 122

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CHAPTER 122

THE MARITIME ZONES ACT

Act 15 of 1977

(1st August, 1977)

ARRANGEMENT OF SECTIONS

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1. This Act may be cited as the Maritime Zones Act.

Short title

2. In this Act —

Interpretation

“baseline” means the baseline as determined in accordance with the straight baseline system;

“continental shelf” means the continental shelf of Seychelles;

“designated area” means an area declared as such under section 9.

"exclusive economic zone" means the exclusive economic zone of Seychelles;

"historic waters" means the historic waters of Seychelles;

"limit" in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

"resources" includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Seychelles

Sovereignty over
and limits of
territorial waters.

3.(1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to International Law and State practice, he may, by Order published in the Gazette, amend the limit of the territorial waters.

Passage in
territorial waters
by foreign ships.

4.(1) Without prejudice to any other enactment in force but subject to subsection (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary so to do —

(a) in the interest of public safety, public order, defence or security of Seychelles or any part thereof or

(b) in pursuance of any treaty to which Seychelles is a party,

he may, by Order published in the *Gazette*, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

5.(1) The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Seychelles —

Continental shelf

(a) to the outer edge of the continental margin; or

(b) to a distance of two hundred nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Seychelles has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

6.(1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles from the baseline.

Exclusive economic zone.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International Law and State practice, he may, by Order published in the *Gazette*, amend the limit of the exclusive economic zone as specified in subsection (1).

7.(1) Without prejudice to sections 3, 5 and 6, but subject to subsection (3) and (6) Seychelles has, in the continental shelf and the exclusive economic zone —

Rights over continental shelf and exclusive economic zone.

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorise, regulate and conduct scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution ; and
- (e) such other rights as are recognised by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone —

- (a) explore or exploit any resources;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct any research;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (4) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the

authority of the President has been obtained for the delineation of the course of the cables or pipelines

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms —

- (a) freedom of navigation, and
- (b) freedom of overflight.

8.(1) The President may, by Order published in the *Gazette*, specify the limits of the historic waters. Historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the air space over, the historic waters

9. The President may, by Order published in the *Gazette*— Designated areas of the continental shelf and the exclusive economic zone.
- (a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and
 - (b) make such provisions as he considers necessary with respect to —
 - (i) the exploration, exploitation and protection of the resources within the designated area;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area;
 - (iii) the regulation and conduct of scientific research in the designated area;
 - (iv) the protection of the marine environment in the designated area;
 - (v) customs and other fiscal matters in relation to the designated area.

- (vi) the regulation of entry into and passage of foreign ships through the designated area;
- (vii) the establishment of fairways, sea lanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

Extension of
enactments.

10. The President may, by Order published in the *Gazette*—

- (a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or exclusive economic zone, or any part thereof, including any designated area;
- (b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Publication of
charts.

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Offences.

12.(1) Any person who contravenes any provisions of this Act or any regulation or order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

Offences by
agent and body
corporate.

13.(1) Where an offence is committed by —

- (a) an agent, the person for whom the agent is acting,
- (b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary, or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

14. Where any provision of this Act or of any regulation or order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or order shall prevail

Application of Act.

15.(1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

Regulations.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters —

- (a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historical waters;
- (b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (c) the regulation of the construction, maintenance of artificial islands, off-shore terminals, installations and other structures and devices;
- (d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;
- (e) the regulation and conduct of scientific research;
- (f) the fees in relation to licences; and
- (g) any matter incidental to any of the matters specified in



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MARITIME ZONES ACT

CHAPTER 122

(SUBSIDIARY LEGISLATION)

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THE GOVERNMENT PRINTER

SECTION 6

**MARITIME ZONES (EXCLUSIVE ECONOMIC ZONES)
ORDER**

S.L. 125 of 1978
S.L. 77 of 1987.
S.L. 6 of 1990

1. This Order may be cited as the Maritime Zones (Exclusive Economic Zone) Order.

Citation

2. The limit of the exclusive economic zone is delineated by the boundary of Area A as shown on Chart No. ML/ADN/52 filed in the office of the Director of Surveys and more fully described in the Schedule.

Limit of exclu-
sive economic
zone
S.L. 77 of 1987
S.L. 6 of 1990

SCHEDULE

Description of the Limit of the Exclusive Economic Zone

The boundary from point 1 through points 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, to 13 is formed by the locus of a point 200 nautical miles from the nearest land mass of the Republic of Seychelles.

From point 13 through points 14, 15, 16, 17, to point 18, the boundary is the medium line equidistant between the Republic of Seychelles and the Territory of Mauritius.

The boundary then follows the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles to point 19.

From point 19 through points 20, 21, 22, 23, 24, 25, 26, 27, 28, to 29 the boundary is formed by the median line equidistant between the Republic of Seychelles and the Malagasy Republic, Isles Glorieuses (France), Mayotte Island, Iles Comores and Mafia Island (Tanzania).

The geographical coordinates of the points referred to above are listed below.

Points	Latitude South of the Equator	Longitude East of Greenwich
1	07° 46'	43° 15'
2	06° 04'	46° 41'
3	06° 19'	47° 49'
4	06° 30'	48° 40'
5	05° 41'	49° 57'
6	04° 32'	50° 04'
7	01° 38'	52° 36'
8	00° 29'	56° 03'
9	02° 39'	58° 48'
10	04° 01'	59° 15'
11	05° 34'	59° 09'
12	07° 10'	59° 30'
13	08° 27'	59° 22'
14	08° 33'	58° 23'
15	08° 45'	56° 25'
16	08° 56'	54° 30'
17	09° 39'	53° 53'
18	12° 17'	53° 49'
19	12° 47'	53° 14'
20	11° 31'	50° 29'
21	11° 05'	50° 12'
22	10° 17'	49° 26'
23	11° 01'	48° 30'
24	10° 47'	47° 33'
25	10° 37'	46° 56'
26	11° 12'	45° 47'
27	10° 55'	45° 31'
28	10° 27'	44° 51'
29	08° 05'	43° 10'

Section 10

Maritime Zones (extension of Enactments) Order

S.I. 19 of 1988

(3rd May, 1988)

1. This Order may be cited as the Maritime Zones (Extension of Enactments) Order

Citation.

2. The enactments specified in the Schedule shall extend to the continental shelf and the exclusive economic zone.

Extension of enactments.

3. In the application and enforcement, pursuant to paragraph 2, of the enactments specified in the Schedule the continental shelf and the exclusive economic zone shall be treated as if they are a part of Seychelles.

Facilities for enforcement of enactments

SCHEDULE

PETROLEUM INCOME TAX DECREE

CAP 166.

TRADES TAX ACT

CAP 240.

BUSINESS TAX ACT

CAP 20.

SOCIAL SECURITY ACT

CAP 225.

SECTION 15

MARITIME ZONES (MARINE POLLUTION)**REGULATIONS***[6th July, 1981]*

S.I. 15 of 1981

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Discharge of oil
4. Special defences
5. Duty to report discharges of oil

Regulation

6. Pollution control officers
7. Hot pursuit
8. Bar to actions
9. Detention and costs
10. Costs of restoration
11. Bonds

Schedule. Prohibited sea areas.

Citation

1. These Regulations may be cited as the Maritime Zones (Marine Pollution) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires

“discharge” includes escape;

Cap. 90.

“Harbour Master” has the meaning assigned in section 2 of the Harbour Act;

“master” means the person for the time being having command or charge of a vessel;

“oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

“oily mixture” means a mixture of oil with water or with any other substance;

“owner”, in relation to a vessel, includes a charterer, sub-charterer, lessee or sub-lessee of the vessel.

“pollution control officer” means a pollution control officer appointed under Regulation 6;

“prohibited sea area” means an area specified in the Schedule to these Regulations;

"territorial waters" means the territorial waters of Seychelles as defined by section 3 of the Act;

"vessel" means any vessel of any nationality.

3. If any oil or oily mixture is —

Discharges of oil

- (i) discharged into a prohibited sea area specified in the Schedule to these Regulations; or
- (ii) discharged outside a prohibited sea area so as to cause or contribute to the pollution of a prohibited sea area or any part of Seychelles,

then subject to these Regulations ---

- (a) if the discharge is from a vessel, the owner or master of the vessel; or
- (b) if the discharge is from a place on land, the occupier of that place; or
- (c) if the discharge is from an apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

is guilty of an offence and is liable to imprisonment for 5 years and to a fine of R. 200,000.

4. Where a person is charged with an offence under Regulations 3, it shall be a defence to prove

Special defences.

- (a) that the oil or oily mixture was discharged to secure the safety of the vessel, or to prevent damage to the vessel or her cargo, or to save life,

Provided that a defence under this paragraph shall not have effect if the Court is satisfied that the discharge was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances;

- (b) that the oil or oily mixture escaped as a result of

damage to the vessel and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing the escape of the oil or oily mixture;

- (c) that the oil or oily mixture escaped as a result of leakage, which was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken to stop or reduce it; or
- (d) if the person is charged as the occupier of a place on land, that the discharge was caused by the act of a person who was in that place without the express or implied permission of the occupier

Duty to report
discharges of oil.

5(1) If any oil or oily mixture —

- (a) is discharged from a vessel into or so as to be likely to pollute a prohibited sea area to secure the safety of the vessel, or to prevent damage to the vessel, or to save life; or
- (b) is found to be escaping, or to have escaped, into or so as to be likely to pollute a prohibited sea area from a vessel as a result of damage to the vessel or of leakage; or
- (c) is found to be escaping, or to have escaped, into a prohibited sea area from a place on land.

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall immediately report the occurrence to the Harbour Master stating

- (i) whether it falls within paragraph (a), (b) or (c),
- (ii) the position of the discharge;
- (iii) the position of the vessel.

- (iv) the estimated amount of oil or oily mixture discharged;
- (v) the type of oil or oily mixture discharged; and
- (vi) the estimated direction and speed of the wind.

(2) Reports in terms of sub-regulation (1) may be made by radio.

6.(1) The Minister may, by notice in the *Gazette*, appoint public officers as pollution control officers.

Pollution control
officers

(2) For the purpose of enforcing these Regulations, a pollution control officer may, with or without a warrant,—

- (a) require a vessel —
 - (i) within a prohibited sea area; or
 - (ii) outside a prohibited sea area where he has reasonable grounds to suspect the vessel or a person in the vessel has contravened these Regulations,

to stop and to do anything else which will facilitate the boarding of the vessel,

- (b) board the vessel;
- (c) require to be produced, examine and make copies of any licence, logbook or other document relating to the vessel or to her cargo or any oil on board;
- (d) make any examination and enquiry which appears to him to be necessary.
- (e) take any sample of oil or other substance; and
- (f) require persons on board the vessel to do anything which appears to him to be necessary to ascertain whether an offence has been committed.

(3) Where a pollution control officer has reasonable cause to believe that an offence against these Regulations has been committed, he may, with or without warrant, —

- (a) seize and detain the vessel in relation to which the offence was committed, including the equipment, stores and cargo found on board or belonging to the vessel; and
- (b) arrest a person who he believes has committed such an offence.

(4) A person who in any way prevents or hinders a pollution control officer from exercising the powers conferred by this Regulation or Regulation 7 is guilty of an offence and liable to a fine of R. 75,000.

(5) In effecting the seizure of a vessel under this Regulations a pollution control officer may use such force as may be reasonably necessary.

(6) A vessel seized under this Regulation and the crew of the vessel shall be brought to Port Victoria as soon as possible.

(7) A vessel or other thing detained under this Regulation shall, as soon as possible, be delivered into the custody of the Commissioner of Police and shall be released upon demand to the owner or master if within 10 days of such delivery no proceedings are instituted against the owner or master in respect of an offence against these Regulations.

(8) Where a charge is laid the Supreme Court may make such order as it may deem fit relating to the detention or custody of the vessel or other things pending the conclusion of any proceedings instituted in respect of that vessel or those other things.

Hot pursuit

7. Where, following the commission in a prohibited sea area of an offence against these Regulations by a vessel, which is pursued beyond the limits of a prohibited sea area, the powers conferred on pollution control officers under Regulations 6 shall be exercisable in respect of that vessel beyond the limits of the prohibited sea area, whether within or outside territorial waters, in the circumstances and to the extent recognised by international law.

Bar to action.

8.(1) No action shall lie against the Government or against a

pollution control officer for damages in any civil court for any act done or ordered to be done in good faith in pursuance of these Regulations

(2) No prosecution of a pollution control officer, or action which may lawfully be brought against a pollution control officer, in respect of anything done in pursuance of these Regulations shall be entertained by any court unless instituted within six months from the date of the act complained of.

9. When a person is convicted of an offence against these Regulations, the Supreme Court —

Detention and costs.

- (a) may order that the vessel in relation to which the offence took place, together with its equipment, stores and cargo shall be detained until payment of any fine imposed or until execution of a bond in terms of Regulation 11; and
- (b) in addition to any other penalty or order, shall order that —
 - (i) any costs incurred in holding the vessel in detention from the time of seizure; and
 - (ii) any costs of repatriation of any member of the crew of the vessel,

shall be payable by the person convicted.

10. When a person is convicted of an offence against Regulation 3, the Supreme Court, in addition to any other penalty or order, may order that he shall pay the whole or any part of any costs incurred in restoring —

Costs of restoration.

- (a) any part of Seychelles, or
- (b) an animal, bird or other wildlife, or
- (c) any other thing,

affected by the oil or oily mixture the discharge of which caused the offence.

Bonds.

11.(1) Where a vessel is detained under Regulation 6 and a charge is laid in relation to that vessel, the owner, licensee, master or local agent of the vessel may apply to the Supreme Court for the release of the vessel on the provision of a satisfactory bond in accordance with this Regulation.

(2) The Supreme Court shall order the release of the vessel on the execution by a person approved by the Court of a satisfactory bond for an amount not less than the aggregate value of the vessel (including all equipment, stores and cargo), the expenses incurred in the detention of the vessel and in the repatriation of any member of its crew, the costs of restoration under Regulation 10 and the maximum fine to which the defendant would be liable if convicted of the offence.

(3) Notwithstanding sub-regulation (2), the Supreme Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be less than the amount required by sub-regulation (2).

(4) A bond executed under this Regulation shall not be released unless –

- (a) the Supreme Court finds that no offence against the Act or these Regulations has been committed in relation to the vessel; or
- (b) where the Supreme Court finds that an offence against the Act or these Regulations has been committed in relation to the vessel, then within 14 days of the date of the judgment of the Court payment is made in full of any fine imposed and any costs ordered to be paid under Regulations 9(b) or 10.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Government jointly and severally by the persons by whom the bond is given, unless those persons prove that the terms of sub-regulation (4)(a) or (b) have been fulfilled.

SCHEDULE Regulation 3

PROHIBITED SEA AREAS

The territorial waters of Seychelles
