CONTINENTAL SHELF ACT

CHAPTER 1:52

Act
43 of 1969
Amended by
23 of 1986

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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CONTINENTAL SHELF ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 1:52

CONTINENTAL SHELF ACT

43 of 1969.

An Act to make provision as to the exploration and exploitation of the Continental Shelf; to enable effect to be given to certain provisions of the Conventions on the High Seas done in Geneva on 29th April 1958; and for matters connected with those purposes.

Commencement. l76/1969.

[30TH DECEMBER 1969]

Short title.

1. This Act may be cited as the Continental Shelf Act.

Interpretation. [23 of 1986].

2. In this Act—

"Continental Margin" means the submerged prolongation of the land mass of Trinidad and Tobago consisting of the seabed and subsoil, the slope and the rise of the Continental Shelf determined in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea;

"Continental Shelf" means the seabed and subsoil of the submarine areas of Trinidad and Tobago that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of its Continental Margin, or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Trinidad and Tobago is measured where the outer edge of the Continental Margin does not extend up to that distance;

"designated area" means an area designated by Order of the President under section 3(6).

Continental Margin. [23 of 1986].

2A. The Minister with responsibility for External Affairs may—

(a) establish the outer edge of the Continental Margin wherever the margin extends beyond 200 nautical miles from the baseline from which the breadth of the territorial sea of Trinidad and Tobago is measured; and

(b) cause a copy of charts and relevant information including geodetic data, permanently describing the outer limits of the Continental Shelf of Trinidad and Tobago to be deposited with the Secretary General of the United Nations.

Exploration and exploitation of Continental Shelf.

3. (1) Any rights exercisable by Trinidad and Tobago outside territorial waters with respect to the seabed and subsoil and their natural resources are hereby vested in the State.

(2) A person who conducts or attempts to carry on any activities affecting any of the rights referred to in subsection (1), without having first obtained a licence from the Minister, shall be deemed to have infringed these rights and the Minister may in such case take such steps as he may think necessary or expedient to put an end to the infringement, and such steps may, without prejudice to the generality of the authority hereby conferred, include the arrest of such person, the seizure and confiscation or destruction of any vessel, equipment or installation employed by such person in the course of the infringement.

(3) In relation to any petroleum with respect to which those rights are exercisable, the Petroleum Act and any Regulations made thereunder shall apply as they apply in relation to petroleum in a submarine area within the meaning of those written laws. Ch. 62:01.

(4) A licence under the written laws applied by subsection (3) shall include provision for the safety, health and welfare of persons employed on operations undertaken under the authority of any licence granted under those regulations as so applied.

(5) The Minister shall for each financial year prepare and lay before Parliament a report stating—

(a) the licences, under the written laws applied by subsection (3), granted in that year in respect of areas beyond the limits of the territorial sea and the persons to whom and the areas in respect of which they were granted; and the like information as respect such licences held at the end of that year;

(b) the amount of natural gas and of other petroleum won in that year in pursuance of licences held in respect of such areas.

(6) For the purpose of protecting installations and the devices necessary in the exercise of the rights mentioned in subsection (1), the President may designate by Order an area (hereinafter referred to as a "designated area") for the purpose of establishing safety zones around such installations and devices.

(7) The law relating to income tax and corporation tax, and any other written law relating to taxation shall apply to any activities occurring on the Continental Shelf in connection with the exploration or exploitation thereof, as they would apply to any activities occurring in Trinidad and Tobago.

Protection of installations in designated areas.

4. (1) The President may, for the purpose of protecting any installation in a designated area, by Order prohibit ships, subject to any conditions or exceptions provided by the Order, from entering without his consent such part of that area as may be specified in the Order.

(2) If any ship enters any part of a designated area in contravention of an Order made under this section its owner or master is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months, unless he proves that the prohibition imposed by the Order was not, and could not on reasonable inquiry have become, known to the master.

Application of criminal and civil law.

5. (1) Any act which occurs on, under or above an installation in a designated area or in any waters within five hundred metres of such an installation, and which would, if it had taken place in Trinidad and Tobago, constitute an offence under any law in force, shall be treated for the purposes of that law as taking place in Trinidad and Tobago.

(2) Subject to subsection (l), the law in force in Trinidad and Tobago shall apply for the determination of questions arising out of acts occurring in the course of the exploration or exploitation of the Continental Shelf.

(3) The Courts of Trinidad and Tobago shall have jurisdiction for the purpose of determining any question which under subsection (2) falls to be determined in accordance with the law in force in Trinidad and Tobago, as they would have if the acts in question had occurred in Trinidad and Tobago.

Safety of navigation. Ch. 51:01.

6. (1) Part VI of the Port Authority Act (which require the consent of Port Authority to the carrying out of certain works on the seashore if obstruction or danger to navigation is likely to result) except section 43(1)*(b)* (which restricts the deposit of materials) shall apply in relation to any part of the seabed in a designated area as it applies in relation to the seashore.

(2) Any person guilty of an offence under Part VI as applied by this section is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months.

Discharge of oil.

7. (1) If any oil is discharged or escapes into any part of the sea in a designated area—

(a) from a pipeline; or

(b) (otherwise than from a ship) as the result of any operations for the exploration of the seabed and subsoil or the exploitation of their natural resources in a designated area,

the owner of the pipe-line or, as the case may be, the person carrying on the operations is guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months.

(3) In this section, "oil" means oil of any description and includes spirits produced from such oil and any mixture containing not less than one hundred parts of such oil in a million parts of the mixture.

Installation on the Shelf to be treated as if situated in Trinidad and Tobago for the purposes of the Wireless Telegraphy Ordinance. Ch. 36. No. 2. (1950 Ed.).

8. An Order under section 4 may make provision for treating for the purposes of the Wireless Telegraphy Ordinance and any Regulations made thereunder, any installation in an area or part of an area with respect to which provision is made under that section and any waters within five hundred metres of such an installation as if they were situated in Trinidad and Tobago.

Submarine cables and pipelines. 48 & 49 Vict. c. 49 (U.K.).

9. (1) Section 3 (punishment for damaging cables) of the Submarine Telegraphy Act, 1885 of the United Kingdom and Article IV and paragraph 1 of Article VII (liability to pay compensation for damage to cables and for loss of gear sacrificed to avoid such damage) of the Convention set out in the Schedule to that Act shall apply in relation to all submarine cables under the high seas (and not only to those to which that Convention applies) and to pipelines under the high seas; and any reference in section 3 to telegraphic communication shall be construed as a reference to telephonic as well as to telegraphic communication, and, in relation to high-voltage power cables and to pipelines, as if the words from "in such manner" to the end of subsection (1) were omitted.

(2) Section 6(3) (limitation of proceedings) and section 13 (cesser of Act on cesser of Conventions) of that Act are hereby repealed.

Designated area for the purposes of Customs duties.

10. (1) Any goods brought into Trinidad and Tobago which are shown to the satisfaction of the Minister responsible for Finance to have been grown, produced or manufactured in any designated area, and to have been so brought direct from that area shall be deemed for the purposes of any charge to duty under the Customs Act not to be imported.

Ch. 78:01.

(2) With a view to exempting any goods from any duty, or charging any goods with duty at a reduced or preferential rate under any of the written laws relating to duties of Customs, the Minister responsible for Finance may by Order prescribe cases in which the Continental Shelf of any country prescribed by the Regulations, or of any country of a class of countries so prescribed,

shall be treated for the purposes of such of those written laws or of any instruments made thereunder as may be so prescribed as if that Shelf formed part of that country and any goods brought from that Shelf were consigned from that country; and in this subsection the expression "Continental Shelf", in relation to any country, means—

(a) in relation to Trinidad and Tobago, any designated area;

(b) in relation to any other country, the seabed and subsoil of the submarine areas adjacent to the coast, but outside the seaward limits of the territorial waters of that country over which the exercise by that country of sovereign rights in accordance with international law is recognised or authorised by the Government of Trinidad and Tobago.

(3) Any Order under subsection (2) shall be subject to negative resolution of Parliament.

(4) Anything required or authorised by or under subsections (2) and (3) to be done by, to or before the Minister responsible for Finance may be done by, to or before any person authorised in that behalf by the Minister responsible for Finance.

Prosecution of offences, etc.

11. (1) Proceedings for any offence under this Act [including an offence under another written law as applied by or under this Act and anything that is an offence by virtue of section 5(1)] may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Trinidad and Tobago.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

In this subsection, "director", in relation to a body corporate established for the purpose of carrying on under national ownership

an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by a Board, means a member of that Board.

(3) A constable shall on any installation in a designated area have all the powers, protection and privileges which he has in the area for which he acts as constable.

Compulsory insurance by employer. Ch. 88:05.

12. Part V of the Workmen's Compensation Act (which provides for compulsory insurance) shall apply to any employer carrying on operations in relation to any part of the seabed in a designated area as it applies in relation to an employer carrying on business in Trinidad and Tobago.

Minister may make Regulations.

13. The Minister may make Regulations for carrying this Act into effect and may also by Regulations, add to, vary or otherwise amend the Petroleum Regulations.