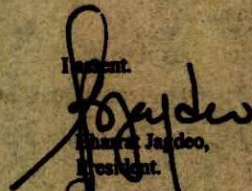


THE OFFICIAL GAZETTE 16TH SEPTEMBER, 2010
LEGAL SUPPLEMENT – A



GUYANA

ACT No. 18 of 2010
MARITIME ZONES ACT 2010

President.

Bharrat Jagdeo,
President.
September 16, 2010.

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MARITIME ZONES

[No. 18

AN ACT to repeal and replace the Maritime Boundaries Act 1977, to incorporate certain provisions of the United Nations Convention on the Law of the Sea and the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, to provide for marine scientific research, maritime cultural area, ecotourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters.

A.D. 2010

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Maritime Zones Act 2010 and shall come into operation in whole or in parts on a date appointed by Order of the Minister.

Interpretation.

2. In this Act—

- (a) “artificial island” means any man made extension of the seabed or a feature, whether or not the extension breaks the surface of the superjacent waters;
- (b) “baselines” means the baselines of the territorial sea determined in accordance with section 5;
- (c) “continental shelf” means the continental shelf of Guyana as defined in section 20 (1);
- (d) “continental margin” means the continental margin of Guyana as defined in section 20 (3);
- (e) “Convention”, means the United Nations Convention on the Law of the Sea signed on 10 December 1982, at Montego Bay, Jamaica;
- (f) “exclusive economic zone” means the exclusive economic zone of Guyana established under section 27 (1);
- (g) “high seas” has the same meaning assigned to it in the Convention;
- (h) “installations” includes —
 - (i) a moored vessel;
 - (ii) a communication cable;
 - (iii) an oil pipeline;
 - (iv) a military surveillance installation;

Cap. 47:01

- (v) a pipeline which is used for the transfer of any substance to or from a vessel, a research, exploration or production platform, or the coast of Guyana;
 - (vi) an exploration or production platform used in the prospecting for or mining of any substance;
 - (vii) an exploration or production vessel used in the prospecting for or mining of any substance;
 - (viii) a telecommunications line as defined in section 1 of the Posts and Telecommunications Act;
 - (ix) a vessel or equipment used for the exploration or exploitation of the seabed;
 - (x) an area situated within the distance of 500 metres measured from any point on the exterior side of an installation referred to in subparagraph (i) or (ii) other than a pipeline;
 - (xi) an area situated under or above an installation referred to in subparagraph (i) or (ii); or
 - (xii) any other structure whether permanent or temporary within the maritime zone, which is being or intended to be used for or in connection with the exploration and exploitation and conservation and management of the natural resources.
- (i) "internal waters" means the internal waters of Guyana as defined in section 7;
 - (j) "island" means a naturally formed area of land, surrounded by water, which is above water at high tide;
 - (k) "lowest astronomical tide" means the mean height of high water as marked on large scale maps recognised by the Government;
 - (l) "maritime zones" means the internal waters, territorial sea, contiguous zone, the continental shelf and the exclusive economic zone;
 - (m) "master" includes every person lawfully having for the time being, command or charge of any vessel or submarine;
 - (n) "miles" means international nautical miles of 1,852 metres each;
 - (o) "Minister" means the Minister of Foreign Affairs, unless otherwise indicated;
 - (p) "natural resources" has the same meaning as assigned to it under the Environment Protection Act 1996;

Act No. 11 of
1996

- (q) "nautical miles" has the same meaning as "miles";
- (r) "resources" means the living and non-living resources of the seabed and its subsoil, and of the waters superjacent to the seabed; as well as resources for the production of energy from tides, currents and winds;
- (s) "right of innocent passage" means the right of innocent passage referred to in section 10;
- (t) "sea" means the water of the sea, as well as the seabed and its subsoil;
- (u) "submarine" includes any underwater vessel however propelled;
- (v) "straight line" means the shortest distance between two points on a surface;
- (w) "territorial sea" means the territorial sea of Guyana referred to in section 3;
- (x) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation;
- (y) "UNESCO Convention" means the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001;
- (z) "vessel" includes ship, boat or any other mode of water transport employed in navigation but does not include a foreign warship;
- (aa) "waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to cause an adverse effect.

PART II TERRITORIAL SEA

Limits of the territorial sea.

3. (1) The territorial sea comprises those areas of the sea having as their inner limits the baselines referred to in section 5 and as their outer limits a line, measured from the baselines, every point of which is twelve nautical miles from the nearest point of the baselines.

(2) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installation and artificial islands shall not be considered as permanent harbour works.

Rights over the territorial sea.

4. (1) The sovereignty of Guyana extends to the territorial sea, the seabed and its subsoil under and the airspace over that sea.

(2) Guyana, in the exercise of its sovereignty, has exclusive jurisdiction over the territorial sea subject to international law and the Convention.

Baselines of the territorial sea.

5. The baselines from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

Low-water line.

6. For the purposes of section 5, the low-water line in any specified area is the lowest astronomical tide level on the coast of Guyana that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

PART III INTERNAL WATERS

Limits of the internal waters.

7. The internal waters comprise –

- (a) the areas of the sea that are on the landward side of the baselines which form the inner limits of the territorial sea; and
- (b) all rivers, bays, historic bays, ports, harbours and waters lying landward of the baselines.

Rights over the internal waters.

8. (1) The sovereignty of Guyana extends beyond its land territory to the internal waters, the seabed and its subsoil under and the air space over the internal waters.

(2) Guyana, in the exercise of its sovereignty, has exclusive jurisdiction over the internal waters.

Closing lines.

9. (1) The Minister in consultation with the Minister responsible for lands and surveys may, by regulations, prescribe closing lines to delimit internal waters.

(2) In this section, “closing lines” means the straight lines, drawn in accordance with the provisions of the Convention, that –

- (a) cross the mouth of a river;
- (b) enclose a bay; or
- (c) delimit the waters of a harbour.

**PART IV
INNOCENT PASSAGE**

Right of
innocent
passage in the
territorial sea.

10. (1) Subject to sections 12 and 13 and any other relevant law, all foreign vessels shall enjoy the right of innocent passage through the territorial sea.

(2) Innocent passage, to which subsection (1) refers, shall be continuous and expeditious and not prejudicial to the peace, good order or security of Guyana and includes stopping and anchoring, but only in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress.

(3) For the purposes of this section, "innocent passage" means navigation through the territorial sea for the purpose of —

- (a) crossing those waters without entering the internal waters or calling at a roadstead or port facility outside the internal waters; or
- (b) proceeding to or from the internal waters or calling at a roadstead or port facility outside the internal waters.

(4) In exercising the right of innocent passage, a foreign vessel shall comply with the laws of Guyana, any order, direction, licence or any other other authority relating to the exercise of innocent passage through the territorial sea.

Regulating
innocent
passage.

11. (1) A foreign warship, including a submarine and any other underwater vessel of war, may enter or pass through the territorial sea after giving prior notice to the President.

(2) A submarine or any other underwater vehicle, whether or not a vessel of war exercising the right of innocent passage through the territorial sea shall navigate on the surface and show its flag while passing through the territorial sea.

(3) The Minister responsible for transport and harbours may by order designate sea lanes and prescribe traffic separation schemes for the regulation of the passage of vessels through the internal waters and territorial sea and in the interest of safety of navigation.

(4) A master of a submarine, not being a vessel of war, who contravenes subsection (2) commits an offence and is liable on conviction on indictment to a fine of five million dollars and to imprisonment for five years, and in addition the Court may order the forfeiture of the submarine.

Non-innocent
passage.

12. (1) The passage of a foreign vessel is prejudicial to the peace, good order or security of Guyana, that is to say, the passage is not innocent if, while in the territorial sea, the vessel engages in —

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Guyana or act in any other manner in violation of the principles of international law;
- (b) any exercise or practice with weapons of any kind;
- (c) any act, in contemplation of collecting information, which would be prejudicial to the defence or security of Guyana;
- (d) any act of propaganda calculated to affect the defence or security of Guyana;
- (e) the launching of, landing on or taking on board of any aircraft or military device;
- (f) the loading or unloading of any commodity, currency or person contrary to any laws relating to customs, excise, immigration or sanitation;
- (g) the willful discharge of any substance which causes pollution, in contravention of the Convention;
- (h) any fishing activities;
- (i) the carrying out of research or surveying activities;
- (j) any act designed to interfere with any system of communication or any other facility or installation in Guyana; or
- (k) any other activity not directly related to its passage.

(2) The master of a foreign vessel or submarine, not being a vessel of war, who takes part in or causes the vessel or submarine to be engaged in, and any other person on board who takes part in, any activity specified in subsection (1) —

- (a) each commits an offence and is liable on conviction on indictment to a fine of not less than one million dollars nor more than ten million dollars and to imprisonment for five years; and
 - (b) where the offence is continued after conviction, the master and the other person who were convicted, each commits a further offence and is liable on conviction to a fine of three hundred thousand dollars for each day on which the offence is continued,
- and in addition the Court may order the forfeiture of the vessel or submarine.

Security
measures.

13. The President may make orders and exercise powers and take measures in relation to the territorial sea as is necessary in the interest of the peace, good order or security of Guyana or any part of Guyana, and the measures may include the suspension, whether absolutely or subject to any exceptions and qualifications as the President thinks fit, of the right of innocent passage of all or any class of foreign vessels through any area of the territorial sea.

Foreign vessels
carrying nuclear
or other
hazardous
wastes.

14. (1) A master of a foreign vessel shall not store, transport or permit to store or transport any nuclear or other inherently dangerous or noxious substances, harmful substances and hazardous wastes in the internal waters and territorial sea except with the prior written permission, agreement or consent of, and prior notification to, the Minister responsible for the environment.

(2) Where any foreign nuclear-powered vessel or foreign vessel carries nuclear or other inherently dangerous or noxious substances while exercising the right of innocent passage through the territorial sea, the master of the vessel shall, in relation to the vessel and substances, carry the necessary documents and shall observe the precautionary measures that are established for those vessels by any international agreement applicable to the carrying of those substances or any law for the time being in force.

(3) A vessel carrying radioactive materials shall not pass through any part of the internal waters or territorial sea unless prior notification of intended passage and the route to be taken by the vessel through those waters or the sea has been given in accordance with regulations that may be prescribed.

(4) In this section, "radioactive materials" means waste that, as a result of being radioactive, is subject to an international control system or international instrument applying specifically to radioactive materials.

(5) A vessel to which subsections (2) and (3) refer may be required to confine its passage to such sea lanes as may be prescribed.

(6) A master of a vessel who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than ten million dollars nor more than twenty million dollars and to imprisonment for not less than seven years nor more than twenty-five years.

(7) The Minister in consultation with the Minister responsible for the environment may make regulations regulating the passage of vessels carrying hazardous waste, and nuclear and radioactive materials through all or any part of the internal waters and territorial sea.

(8) Regulations made under this section shall provide for the action that may be taken, including stopping and boarding vessels, to ensure compliance with the regulations.

Discharge of harmful substances and hazardous wastes.

15. (1) A master of a foreign vessel shall not discharge or permit to discharge any nuclear or other inherently dangerous or noxious substances, harmful substances and hazardous wastes in the internal waters and territorial sea except with the prior written permission, agreement or consent of, and prior notification to, the Minister responsible for the environment.

(2) A master of a vessel who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than twenty million dollars nor more than forty million dollars and to imprisonment for not less than ten years nor more than twenty-five years.

Laws applicable to rights of hot pursuit.

16. (1) The laws of Guyana shall apply with respect to the execution of official and defence duties by Guyanese public officials and defence forces in relation to hot pursuit from within the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, including safety zones around continental shelf installations, undertaken in accordance with Article 111 of the Convention and the conduct obstructing such execution.

(2) A person who does any act in pursuance or intended pursuance of the functions conferred on him by or under this Act shall not be subject to any civil or criminal liability in respect of such act, whether on the ground of want of jurisdiction, mistake of law or fact or on any other ground, unless that person has acted or omitted to act, in bad faith.

PART V
THE CONTIGUOUS ZONE

Limits of the
contiguous
zone.

17. The contiguous zone comprises the area of the sea that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of twenty-four nautical miles from the nearest points of the baselines of the territorial sea.

Grounds for
denial of entry
into Guyana.

18. Where the Minister has reasonable grounds to believe that a person in the contiguous zone would, if that person were to enter Guyana, commit an offence in relation to a customs, fiscal, immigration or sanitary law, the Minister may, subject to Guyana's international obligations, deny that person entry into Guyana.

Commission of
offences in the
contiguous
zone.

19. (1) Subject to subsection (2), where there is reasonable ground to believe that a person has committed an offence in the contiguous zone in respect of any customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Guyana in respect of that offence may also be exercised in the contiguous zone.

(2) A power of arrest shall not be exercised in the contiguous zone on board any vessel registered outside Guyana without the consent of the Attorney General of Guyana.

(3) Without limiting subsections (1) and (2), the Minister may exercise other powers and take measures in or in relation to the contiguous zone as the Minister considers necessary for the security of Guyana.

(4) Any person who commits an offence in Guyana from the contiguous zone or enters Guyana having committed an offence in the contiguous zone is liable on conviction on indictment to a fine of seven million dollars and to imprisonment for seven years.

(5) Guyana has and may exercise in respect of the contiguous zone such powers and authority as may be necessary to prevent or punish the infringement within Guyana, including its internal waters and territorial sea, of any written law with respect to customs, fiscal, immigration or sanitation.

(6) The Minister may make regulations that permit, in the contiguous zone, the exercise of controls necessary to —

- (a) prevent infringement of any customs, fiscal, immigration or sanitary laws within Guyana, its internal waters and territorial sea; and
- (b) punish the infringement of those laws committed within Guyana, its internal waters and territorial sea.

PART VI

THE CONTINENTAL SHELF

Limits of the continental shelf.

20. (1) The continental shelf comprises the seabed and its subsoil of the submarine areas that extend beyond and adjacent to the territorial sea throughout the natural prolongation of Guyana's land territory —

- (a) subject to Article 76(2) of the Convention, to the outer edge of the continental margin; or
- (b) to a distance of two hundred nautical miles from the baselines of the territorial sea where the outer edge of the continental margin does not extend up to that distance.

(2) Where the outer edge of the continental margin extends beyond two hundred nautical miles from the baselines, the President may, by regulation, establish the outer limits of the continental shelf having regard to the principles and methods of delineation of the continental shelf beyond that point specified in Article 76 of the Convention.

(3) For the purposes of subsections (1) and (2), the continental margin comprises the submerged prolongation of the land mass of Guyana consisting of the seabed and its subsoil, the slope and the rise of the continental shelf, but does not include the deep ocean floor with its oceanic ridges or its subsoil.

Rights in the continental shelf.

21. (1) In the continental shelf there is vested in Guyana —

- (a) sovereign and exclusive rights for the purpose of exploring, exploiting, conserving and managing its natural resources;
- (b) exclusive rights and jurisdiction for the authorisation and regulation of the construction, operation, maintenance and use of artificial islands, off-shore terminals, installations and other

structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other economic purpose;

- (c) exclusive right to authorize and regulate drilling for any purposes;
- (d) jurisdiction to authorise, regulate and control marine scientific research; and
- (e) jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(2) The natural resources to which subsection (1) (a) refers 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 subsoil.

Licence or authority to explore or exploit resources.

22. (1) A person, including a foreign government and an international organization, shall not, in the continental shelf, except under and in accordance with the terms of a licence or a letter of authority granted by the President —

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

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three million dollars and on conviction on indictment to a fine of five million dollars, and in addition the court before which the person was convicted may order the forfeiture of any vessel and equipment used in the commission of the offence.

Declaration of designated area.

23. The President may by order —

- (a) declare any area of the continental shelf and its superjacent waters to be a designated area for any purpose; and
- (b) make any provisions as the President considers necessary with respect to —
 - (i) the exploration, exploitation and protection of the resources of the continental shelf 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 preservation and protection of the marine environment of the designated area;
- (iv) customs and other fiscal matters in relation to the designated area;
- (v) the entry into and passage through the designated area by foreign vessels by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana; and
- (vi) the conduct of marine scientific research in the designated area.

Submarine cables and pipelines in the continental shelf.

24. Without limiting the provisions of section 23 and subject to any measures that may be necessary for protecting the interests of Guyana, the Government shall not impede the laying or maintenance of any submarine cables or pipelines on the continental shelf by other States except that the consent of the Minister shall be necessary for the delineation of the course for the laying of the cables or pipelines.

Exercise of jurisdiction in the continental shelf.

25. (1) Guyana has jurisdiction with regard to customs, fiscal, health, security and immigration laws in relation to the continental shelf.

- (2) (a) To enable Guyana to exercise the sovereign rights and jurisdiction it has in the continental shelf there is extended to the continental shelf, to the extent recognised by international law, the laws in Guyana.
- (b) In particular, the laws of Guyana shall apply to artificial islands, installations and structures on the continental shelf as if they were in the territorial sea.

(3) In rights enjoyed by Guyana in the continental shelf and the continental margin that are not stipulated in this Act shall be exercised in accordance with the Convention, international law and the laws of Guyana.

(4) In exercising its rights and performing its duties in the continental shelf, Guyana shall have due regard to the right and duties of other States and shall act in a manner compatible with international law.

**PART VII
THE EXCLUSIVE ECONOMIC ZONE**

Limits of the
exclusive
economic zone.

26. (1) The exclusive economic zone comprises an area of the sea beyond and adjacent to the territorial sea extending to a line every point of which is a distance of two hundred nautical miles from the nearest points of the baselines of the territorial sea and is so designated as the exclusive economic zone of Guyana.

(2) The Minister may by regulations, prescribe the line of the outer limit of the exclusive economic zone.

Rights in the
exclusive
economic zone.

27. In the exclusive economic zone, there is vested in Guyana —
- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, currents and winds;
 - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial island, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
 - (c) jurisdiction to authorise, regulate and control marine scientific research;
 - (d) jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;
 - (e) jurisdiction with regards to customs, fiscal, health, security and immigration laws; and
 - (f) any other rights that are recognised by international law.

Rights of
navigation and
over flight.

28. In the exclusive economic zone and the air space over the zone, every State shall, subject to the exercise by Guyana of its rights within the zone, enjoy freedom of navigation and over flight.

Licence or authority to explore or exploit resources in the exclusive economic zone.

29. (1) A person, including a foreign government and an international organization, shall not, in the exclusive economic zone, except under and in accordance with the terms of any written agreement with the Government of Guyana or of a licence or letter of authority granted by the President –

- (a) explore or exploit any resources;
- (b) carry out any search or excavation or conduct any research; or
- (c) drill or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device for any purpose.

(2) Nothing in this section shall apply in relation to fishing by a citizen of Guyana.

(3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three million dollars and on conviction on indictment to a fine of five million dollars, and in addition the court before which the person was convicted may order the forfeiture of any vessel and equipment used in the commission of the offence.

Declaration of designated areas in the exclusive economic zone.

30. The President may by order –

- (a) declare any area of the exclusive economic zone to be a designated area for any purpose; and
- (b) make provisions as the President considers necessary with respect to –
 - (i) the exploration, exploitation and protection of the resources of the designated area;
 - (ii) any other activities for the economic exploitation and exploration of the designated area such as the production of energy from tides, currents and winds;
 - (iii) the safety and protection of artificial islands, offshore terminals, installations and any other structure and devices in the designated area;
 - (iv) the protection of the marine environment of the designated area;
 - (v) customs and other fiscal matters in relation to the designated area; or

- (vi) entry into and passage through the designated area of foreign vessels by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

Exercise of jurisdiction in the exclusive economic zone.

31. (1) To enable Guyana to exercise the sovereign rights and jurisdiction it has in the exclusive economic zone there is extended to that zone, to the extent recognised by international law, the laws of Guyana.

(2) In particular, the law of Guyana shall apply to artificial islands, installations and structures in the exclusive economic zone as if they were in the territorial sea.

(3) In exercising its rights and performing its duties in the exclusive economic zone, Guyana shall have due regard to the rights and duties of any other state and shall act in a manner compatible with international law.

Extension of norms to the exclusive economic zone.

32. The norms, regulations and measures for the prevention, reduction and control of pollution from vessels, aircraft, artificial islands, scientific research stations, installations and structures which are in effect within the limits of the internal waters, territorial sea and the contiguous zone shall extend to the exclusive economic zone, taking into account international rules and standards, international treaties and conventions to which Guyana is a party.

Application of other rights not provided in this Act.

33. Rights enjoyed by Guyana in the exclusive economic zone that are not stipulated in this Act shall be exercised in accordance with the Convention, international law and the laws of Guyana.

PART VIII

DELIMITATION OF MARITIME BOUNDARIES

Delimitation of the boundaries of the territorial sea.

34. (1) In accordance with Article 15 of the Convention and international law, delimitation of the territorial sea between Guyana and any State opposite or adjacent shall be by agreement between Guyana and that State and failing agreement the territorial sea shall not be extended beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States is measured.

(2) Subsection (1) shall not apply where it is necessary by reason of historic title or other special circumstances to delimit the territorial sea of Guyana in a way which is at variance with subsection (1).

Delimitation of the boundaries of the continental shelf and the exclusive economic zone.

35. Delimitation of the boundaries of the continental shelf and the exclusive economic zone between Guyana and any State opposite or adjacent to Guyana shall be 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.

Settlement of disputes.

36. If no agreement can be reached under sections 34 and 35, Guyana shall resort to the procedures provided for in Part XV of the Convention.

Publication of agreement.

37. Every agreement entered into under sections 34 and 35 shall, as soon as after it is entered into, be published in the *Gazette*.

PART IX
CHARTS AND GEOGRAPHICAL COORDINATES

Preparation of
charts and
geographical
coordinates.

38. (1) The Minister responsible for Lands and Surveys shall, in consultation with competent authorities, prepare charts of an adequate scale for ascertaining the positions of the following matters —

- (a) the baselines of the territorial sea;
- (b) the outer limit lines of the territorial sea, the continental shelf and the exclusive economic zone;
- (c) the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone;
- (d) sea lanes or traffic separation schemes.

(2) A list of geographical coordinates of points specifying the geodetic datum for the baselines, outer limit lines or lines of delimitation may be substituted for a chart under subsection (1).

Publication of
charts and
geographical
coordinates.

39. The Minister responsible for Lands and Surveys shall —

- (a) in consultation with the Guyana Lands and Surveys Commission, publish the charts and lists of geographical coordinates prepared; and
- (b) provide a copy of each chart and list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

Evidence of
charts or lists
of
geographical
coordinates.

40. (1) The Minister responsible for Lands and Surveys may issue charts or lists of geographical coordinates prepared under section 38 on payment of the prescribed fees.

(2) A document certified by the Minister responsible for Lands and Surveys to be a true copy of a chart or list of geographical coordinates shall be accepted in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

(3) In any proceedings in any court a certificate purporting to be signed by the Minister responsible for Lands and Surveys that the chart is for the time being an authorised and accurate chart shall be admissible as conclusive evidence of the matter stated in the certificate.

(4) A person other than the Minister responsible for lands and surveys, referred to in subsection (3), who signs the certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

PART X

MARINE SCIENTIFIC RESEARCH

Regulation of
marine
scientific
research in the
maritime
zones.

41. (1) Guyana has sovereign rights, as provided by international law and in particular Article 245 of the Convention to regulate, authorise and conduct marine scientific research in the territorial sea.

(2) Guyana, in the exercise of its jurisdiction, has the right, as provided for by international law and in particular Article 246 of the Convention, to regulate, authorise and conduct marine scientific research in the exclusive economic zone and on the continental shelf in accordance with the relevant provisions of the Convention.

(3) Without limiting the generality of subsections (1) and (2), the Minister, in consultation with the Minister responsible for the environment may make regulations regulating the conduct of marine scientific research in conformity with Articles 245 to 253 of the Convention so far as they relate to any proposed marine scientific research.

(4) A person, entity, foreign government or international organization carrying out any marine scientific research under this section shall, in accordance with Articles 245 to 253 of the Convention, make available to Guyana preliminary reports as soon as practicable, and full reports after the completion of the research consisting of any research results, all data, samples and specimen derived from the research or any other requirement as may be prescribed.

(5) Any person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of five million dollars and in addition the court may order the forfeiture of any vessel and equipment used in the commission of the offence.

PART XI
MARITIME CULTURAL AREA

Limits of the
maritime
cultural area.

42. The Minister may by order declare an area within the territorial sea and the contiguous zone to be known as the maritime cultural area.

Rights in the
maritime
cultural area.

43. (1) Guyana has sovereign rights and exclusive jurisdiction in its maritime cultural area.

(2) Subject to any other law or international treaty to which Guyana is a party, Guyana has, in respect of objects of an archaeological or historical nature found in the maritime cultural area, the same rights and powers as it has in respect of its internal waters and territorial sea.

Underwater
cultural
heritage.

44. (1) The Minister responsible for Culture may authorise activities directed at underwater cultural heritage within the territorial sea and contiguous zone.

(2) A person, entity, foreign government or international organization shall not engage in any underwater cultural heritage activity within the territorial sea or contiguous zone, except under and in accordance with the terms of a licence or letter of authority granted by the Minister responsible for culture or any written agreement of the Government of Guyana.

(3) A person, entity, foreign government or international organization shall not engage in any commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal within the territorial sea or contiguous zone.

(4) A person who contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of five million dollars and in addition the court may order the forfeiture of any vessel and equipment used in the commission of the offence.

(5) The Minister in consultation with the Minister responsible for culture may make regulations to regulate and authorise activities directed at underwater cultural heritage within the territorial sea and contiguous zone in accordance with Articles 7 and 8 of the UNESCO Convention.

(6) The regulations made under subsection (5) shall, in particular ensure that the Rules Concerning Activities Directed at the Underwater Cultural Heritage set out in the Annex to the UNESCO Convention are applied.

(7) The Minister responsible for culture may by order provide for the protection, management, ownership, preservation, collection, custody and for other matters incidental to cultural maritime heritage, historic wrecks, sites of interests and objects of archaeological and historic nature found at sea and its specific sites in the maritime cultural sea.

PART XII

ECO-TOURISM, MARINE PARKS AND RESERVES AND MARICULTURE

Eco-tourism,
marine parks
and reserves
and mari-
culture
operations.

45. (1) A person shall not establish or operate any eco-tourism, marine parks and reserves, and mariculture operations within any of the maritime zones except with a permit issued by the Minister responsible for transport and harbours.

(2) A person shall not operate any eco-tourism, marine parks and reserves and mariculture operations in such a way as to have any significant adverse effects on any of the marine species.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five million dollars, and in addition the court may order the forfeiture of any vessel and equipment used in the commission of the offence.

Designated
areas for eco-
tourism,
marine parks
and reserves
and mari-
culture
operations.

46. The Minister may by order designate —

- (a) any area of any maritime zone for the establishment or creation of eco-tourism operations;
- (b) any area of any maritime zone for the establishment or creation of marine park operations or temporary marine protected areas;
- (c) any area of any maritime zone or any island within any maritime zone for the establishment or creation of marine reserve operations; and
- (d) any area of any maritime zone for the establishment or creation of mariculture operations.

Establishment and regulation of eco-tourism, marine parks and reserves and mariculture operations.

47. (1) The Minister in collaboration with the relevant ministries and agencies may make regulations for any of the operations referred to in section 46.

- (2) Regulations providing for mariculture operations shall apply –
- (a) to all mariculture boats of Guyana, and activities done with those boats and their crews wherever they may be; and
 - (b) to all foreign mariculture boats and activities done with those boats and their crews, in waters within the mariculture area.

PART XIII

THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Regulations for the protection and preservation of the marine environment.

48. The Minister in consultation with the Minister responsible for the environment may make regulations for the protection and preservation of the marine environment including regulations for –

- (a) the prevention, reduction and control of pollution of the marine environment –
 - (i) from land-based sources, including rivers, estuaries, pipelines and outfall structures;
 - (ii) from or in connection with seabed activities subject to Guyana's jurisdiction;
 - (iii) from artificial islands, installations and structures under Guyana's jurisdiction in accordance with Articles 60 and 80 of the Convention;
 - (iv) from dumping;
 - (v) from or through the atmosphere, applicable to the air space under Guyana's sovereignty; and
 - (vi) from vessels flying Guyana's flag or vessels or aircrafts under its registry;
- (b) regulating conduct in, and safeguarding the maritime zones;
- (c) environmental assessment of economic and other activities in the maritime zones;
- (d) environmental control in the maritime zones;
- (e) monitoring of the condition of the maritime zones;
- (f) protection and preservation of areas used as eco-tourism areas, marine reserves, marine parks, mariculture areas and scientific research areas; and

- (g) any other matters relating to the protection and preservation of the marine environment.

Measures to prevent marine environment

49. (1) Any person who engages in any activity that results in pollution of the marine environment commits an offence and is liable on summary conviction to a fine of twenty million dollars and to imprisonment for ten years.

(2) Notwithstanding anything in this Act or any other law, the Minister responsible for the Environment may by order prescribe any measure necessary to be taken against any vessel or aircraft in any area of the sea or the airspace above the sea, in order to protect the coastline of Guyana or related interests, including fishing, from pollution or any threat of pollution resulting from a maritime casualty or an act or omission relating to such casualty and which may reasonably be expected to result in any major harmful consequences.

PART XIV GENERAL

Maritime safety and security in the maritime zones.

50. (1) The President may take any action that is necessary in the internal waters, territorial sea or contiguous zone to preserve and maintain security in accordance with any obligations under international law.

(2) The President may establish safety zones around the artificial islands, installations and structures in the exclusive economic zone and continental shelf in which appropriate measures may be taken to ensure the safety of navigation, of the artificial islands, installations and structures.

Sovereign rights of self defence in the maritime zones.

51. Notwithstanding any other law, the President may take any action in any area of the sea or in the airspace above the sea as is necessary to maintain national sovereignty and territorial integrity in the exercise of the principle of self defence contained in Article 51 of the Charter of the United Nations.

Power to make subsidiary legislation.

52. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular but without limiting the general power, may make regulations for –

- (a) providing the manner of giving prior notification of intended passage and of the route to be taken by ships carrying radioactive materials through the internal waters or territorial sea;

- (b) permitting the exercise of controls necessary to prevent or punish the infringement of the customs, fiscal, immigration or sanitary laws within Guyana, its internal waters and territorial sea;
- (c) establishing the outer limits of the continental shelf and exclusive economic zone;
- (d) fees in relation to licences and letters of authority referred to in sections 22 (1) and 29 (1) or for any other purposes;
- (e) regulating the conduct of any person in the maritime zones;
- (f) regulating the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (g) regulating the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices of the continental shelf and the exclusive economic zone;
- (h) regulating and authorising activities directed at underwater cultural heritage within the contiguous zone;
- (i) establishing or creating and regulating the conduct of, and safeguarding any of the operations referred to in section 47, including regulations with respect to the identification and markings of the boundaries of the operations, boats and gear;
- (j) preserving and protecting the marine environment and prevention and control of marine pollution including any of the related matters referred to in section 49 (2);
- (k) authorising, regulating and controlling the conduct of scientific research.

(2) The powers under subsection (1) are in addition to those conferred on the Minister to make other subsidiary legislation under the other provisions of this Act.

(3) In making any subsidiary legislation with respect to provisions under this Act, the Minister vested with the authority to do so may prescribe offences and penalties that may be imposed in respect of those offences that are necessary for giving full effect to those provisions under this Act.

Order to
extend law.

53. The President may by order extend, with exceptions and modifications as may be specified in the order, the application of any law in force in Guyana or any part of the law to the continental shelf and the exclusive economic zone (including any area declared to be a designated area) and make provisions as the President may consider necessary for facilitating the enforcement of the law and the law, so extended, shall have effect in relation to the continental shelf and the exclusive economic zone as if those maritime zones to which it had been extended are parts of the territory of Guyana.

Amendments,
transitional
and savings.

54. (1) The laws referred to in the first column of the Schedule are amended to the extent set out in the second column of the Schedule.

(2) Any reference to the internal waters, contiguous zone, territorial sea, exclusive economic zone and continental shelf in any law shall, in relation to any period after the commencement of this Act, be construed as reference to those waters and zones referred to in this Act.

(3) Any reference to the fishery or fishing zone in this Act or in any other law in relation to conservation, management or exploitation of living marine resources shall be construed as reference to the exclusive economic zone referred to in this Act.

(4) Any reference to fishery or fishing zone in any other law in relation to fiscal matters or matters concerning customs, emigration, immigration or sanitation shall be construed as reference to the contiguous zone referred to in this Act.

(5) With effect from the commencement of this Act, any reference to any provision of the Maritime Boundaries Act 1977 in any law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

No. 10
of 1977

(6) Until other baselines are determined in accordance with this Act, the baselines, the territorial sea, the continental shelf and the exclusive economic zone shall, for the purposes of this Act, be taken to be those that existed under the Maritime Boundaries Act 1977 immediately before the commencement of this Act.

No. 10
of 1977

(7) Notwithstanding section 55, any agreement or subsidiary legislation made for the purposes of the Maritime Boundaries Act 1977 and in force immediately before the commencement of this Act shall continue in force as if made under this Act to the extent the agreement or subsidiary legislation are not inconsistent with this Act, and may be repealed or replaced in accordance with this Act.

Repeal
No. 10 of
1977

55. The Maritime Boundaries Act 1977 is repealed.

SCHEDULE section 54
AMENDED LAWS

LAW	PROVISION	AMENDMENT
Customs Act, Cap 82:01	Section 2	By the substitution for the definition of "waters of Guyana" of the following – " "waters of Guyana" means the internal waters, territorial sea and the contiguous zone of Guyana as defined in the Maritime Zones Act 2010;"
Defence Act Cap. 15:01	Section 208A(2) Section 208A(3)(v) Third Schedule paragraph 16	By the deletion of the words "on and under the high seas and waters". By the insertion immediately before the words "territorial sea" of the words "internal waters,". By the substitution – (a) for the words "Maritime Boundaries Act 1977" of the words "Maritime Zones Act 2010"; and (b) for the words "Act No. 10 of 1977" of the words "Act No. 18 of 2010".

<p>Environmental Protection (Water Quality) Regulations 2000 (No. 6 of 2000)</p>	<p>Section 2(j)</p>	<p>By the substitution for the words “any part of the sea abutting the foreshore” of the words “any part of the sea that are on the landward side of the territorial baselines”.</p>
<p>Fisheries Act 2002 (Act No. 12 of 2002)</p>	<p>Section 2(1)(k)</p>	<p>By the substitution for the definition of “fisheries waters” of the following – “ “fisheries waters” means the internal waters, territorial sea, contiguous zone, continental margin, the exclusive economic zone as defined by the maritime Zones Act 2010;”.</p>
<p>Guyana Shipping Act 1998 (Act 7 of 1998)</p>	<p>Section 2(s)</p>	<p>By the substitution for the words “Maritime Boundaries Act 1977” of the words “Maritime Zones Act 2010”.</p>
<p>Mining Act 1989 (Act No. 20 of 1989)</p>	<p>Section 2(1)(b) Section 2(1)(l) Section 2(2)(b)</p>	<p>Immediately after the word “seabed”, by the insertion of the words “in the maritime zones of Guyana”.</p> <p>By the insertion, immediately after the word “seabed” wherever that word appears of the words “in the maritime zones of Guyana”.</p> <p>By the substitution for the set of words beginning with the words “the territorial sea” and ending with the words “the exclusive economic zone” of the words – “internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone”.</p>

A.D. 2010]

MARITIME ZONES

[No. 18

Petroleum (Exploration and Production) Act 1986 (Act No. 3 of 1986)	Section 1(2)	By the substitution for the set of words beginning with the words "land in Guyana" and ending with the words "economic zone of Guyana." of the words – "land in Guyana, including the internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone of Guyana."
	Section 2(1)(n) Section 2(2)(a)	By the insertion, immediately after the word "seabed", where that word appears for the first time, of the words "in the maritime zones of Guyana". By the substitution for the set of words beginning with the words "the territorial sea" and ending with the words "the exclusive economic zone" of the words – "internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone".

Passed by the National Assembly on 9th August, 2010.



Clerk of the National Assembly.

(Bill No. 36/2009)