

THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE
NINTH PARLIAMENT OF GUYANA (2006-2010)

TENTH REPORT

OF THE

COMMITTEE ON APPOINTMENTS

IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE
POLICE SERVICE COMMISSION

COMMITTEES DIVISION
PARLIAMENT OFFICE
PUBLIC BUILDINGS
GEORGETOWN

29th August, 2010

TENTH REPORT

1. Introduction

The Standing Committee established under the Constitution to address matters relating to the appointment of members of commissions, pursuant to Article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as the tenth Report:

2. Members of the Committee

At a meeting of the Committee of Selection held on 14th December, 2006, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of the Commission:

Members from the People's Progressive Party/Civic:

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P
- (ii) The Hon. Robert M. Persaud, M.P
- (iii) The Hon. Brindley H.R. Benn, M.P
- (iv) The Hon. Priya D. Manickchand, M.P
- (v) The Hon. Jennifer I. Webster, M.P
- (vi) Ms. Gail Teixeira, M.P.

Members from the People's National Congress/Reform - 1 Guyana:

- (i) Mrs. Deborah Backer, M.P
- (ii) Dr. George A. Norton, M.P
- (iii) Ms. Amna Ally, M.P

Member from the Alliance For Change:

- Mrs. Sheila Holder, M.P

3. Election of Chairman

The Committee at its first meeting held on 21st December, 2006 unanimously elected Ms. Gail Teixeira, M.P., as its Chairperson.

4. Terms of Reference

The Committee, by Resolution No. 17 passed by the National Assembly on 8th May, 2003, was entrusted to discharge the following functions in relation to the appointment of a member of the Commission established under the Constitution -

- “(a) identify appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly
 - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous People’s Commission and the Rights of the Child Commission;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission; and
 - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto.”

5. Mandate

The Committee was mandated by Article 210 (1) (c) of the Constitution in relation to the Police Service Commission to nominate for appointment by the President:

“four members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent the majority of the members of the Police Force and any other such body it deems fit:”

6. Meetings of the Committee

The Committee held a total of fifty meetings over the period 21st December, 2006, to 27th July, 2010.

7. Police Service Commission - The Nomination Process

The Committee at its 41st meeting held on 9th March, 2010, noted that the Police Service Commission was approaching the end of its tenure on October 8th 2010 and agreed to consider the process for its re-establishment.

At its 43rd meeting held on 13th April, 2010, the Committee agreed that it would consult the same entities that it had involved in the 2007 nomination process as supported by Resolution. As a result, the following associations were invited in writing to submit nominations for the appointment in accordance with *article 210* of the Constitution:

- (i) The Police Association;
- (ii) The Association of Former Members of the Guyana Police Force;
- (iii) The National Commission on Law and Order; and
- (iv) The National Community Policing Executive.

The National Community Policing Executive by letter dated 27th May, 2010, submitted the following nominees:

- (i) **Mr. Roopchan Jaigobind aka Kishore Gobin** - Chairman of the National Community Policing Executive; and
- (ii) **Mr. George Orville Stuart** - Secretary of the National Community Policing Executive.

The Association of Former Members of the Guyana Police Force by letter dated 28th May, 2010, submitted the following nominees:

- (i) **Mr. Laurie Lealand Lewis**, D.S.S Retired Commissioner of Police;
- (ii) **Mr. Lloyd Alvin Smith**, D.S.M Retired Deputy Commissioner of Police; and
- (iii) **Ms. Lynette Carter**, Retired Senior Superintendent of Police.

The Police Association by letter dated 30th May, 2010, submitted the following nominees:

- (i) **Mr. Laurie Lealand Lewis**, D.S.S Retired Commissioner of Police;
- (ii) **Mr. Harold Martin**, Retired Assistant Commissioner of Police;
- (iii) **Ms. Lynette Carter**, Retired Senior Superintendent of Police;
- (iv) **Mr. Lloyd Alvin Smith**, D.S.M Retired Deputy Commissioner of Police; and
- (iv) **Mr. Franchot Duncan Clarke**, Retired Assistant Commissioner of Police.

The National Commission on Law and Order by letter dated 14th June, 2010, submitted the following nominees:

- (i) **Mr. Dennis Morgan, A.A.**, Former Chairman of the Police Service Commission; and
- (ii) **Mr. Roshan Khan**, Chief Executive Officer/Founder of RK's Security Service.

At the 49th meeting on 13th July, 2010, the Committee examined the submissions and the following proposals which were made relating to the persons to be signified to the President for appointment to the Police Service Commission:

Proposal 1 made by the PPP/C representatives:

Mr. Harold Martin, Mr. Franchot Duncan Clarke, Mr. Lloyd Alvin Smith and Mr. Dennis Morgan, A.A.

Proposal 2 made by the PNCR-IG representatives:

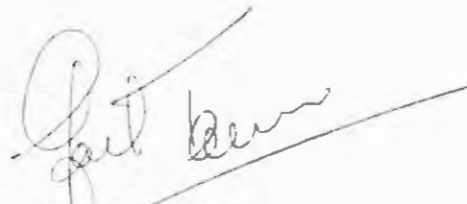
Ms. Lynette Carter, Mr. Lloyd Alvin Smith, Mr. Franchot Duncan Clarke and Mr. Roshan Khan.

Proposal 3 made by the AFC representative:

Ms. Lynette Carter, Mr. Franchot Duncan Clarke, Mr. Lloyd Alvin Smith and Mr. Dennis Morgan, A.A.

The Committee in the examination of the names before it unanimously agreed to **Mr. Franchot Duncan Clarke** and **Mr. Lloyd Alvin Smith**, being two of its nominees and by a majority vote, agreed to **Mr. Dennis Morgan, A.A.**, and **Mr. Harold Martin** as its third and fourth nominee, respectively, to the Police Service Commission.

The Committee adopted the Report and Motion at its fiftieth meeting on 27th July, 2010, and now reports to the National Assembly that it has meaningfully consulted with the Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Executive of Community Policing Groups, bodies as appear to it to “represent the majority of the members of the Police Force and any other such body it deems fit”, and recommends that Mr. Harold Martin, Mr. Franchot Duncan Clarke, Mr. Lloyd Alvin Smith and Mr. Dennis Morgan, A.A. be signified as the Assembly’s choice to the President for appointment as Members of the Police Service Commission.

A handwritten signature in black ink, appearing to read 'Gail Teixeira', written over a horizontal line.

Gail Teixeira, M.P.
Chairperson
Committee on Appointments

29th July, 2010

**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
MARITIME ZONES BILL 2009
(BILL No. 36 OF 2009)**

Publication

1. 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, eco-tourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters. The Bill was published on 8th October, 2009.

Introduction, First and Second Readings

2. The Bill was introduced in the National Assembly and read a first time on 15th October, 2009.
3. It was debated and read a second time on 29th October, 2009.

Committal to Select Committee

4. Following its second reading, the Bill was committed by the National Assembly to a Special Select Committee for consideration.

Members of the Special Select Committee

5. At a meeting held on 19th November, 2009 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Maritime Zones Bill 2009 (Bill No. 36 of 2009).

Members of the People's Progressive Party/Civic (PPP/C) (6)

The Hon. Carolyn Rodrigues- Birkett, M.P.
Minister of Foreign Affairs

The Hon. Clement J. Rohee, M.P.
Minister of Home Affairs

The Hon. Robert M. Persaud, M.P.
Minister of Agriculture

The Hon. B.H. Robeson Benn, M.P.
Minister of Transport and Hydraulics

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Members of the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

Mrs. Clarissa S. Riehl, M.P.
Deputy Speaker of the National Assembly

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Aubrey C. Norton, M.P.

6. On 11th December, 2009, Mr. Raphael G.C. Trotman, M.P. from the Alliance for Change (AFC) was nominated as a Member of the Committee.

First Meeting of the Committee – Election of Chairman

7. At the first meeting held on 10th December, 2009 the Committee elected the Hon. Carolyn Rodrigues- Birkett, M.P., Minister of Foreign Affairs as Chairperson of the Special Select Committee.

Other Meetings of the Committee

8. The Committee met on eleven other occasions as follows:

Wednesday, 13th January, 2010

Wednesday, 27th January, 2010

Wednesday, 3rd February, 2010

Wednesday, 3rd March, 2010

Wednesday, 24th March, 2010

Wednesday, 31st March, 2010

Wednesday, 14th April, 2010

Wednesday, 21st April, 2010

Wednesday, 28th April, 2010

Wednesday, 16th June, 2010

Wednesday, 28th July, 2010

Consultation Process

9. At the second Meeting of the Committee, the Chairperson informed Members that specialist advisers and officials from the Ministries of Foreign Affairs and Legal Affairs would be attending the Committee's meetings to give advice when needed.

10. Thereafter, the Director of the Frontiers Department of the Ministry of Foreign Affairs delivered an excellent presentation to Members. His presentation outlined the various maritime zones that are mentioned in the Bill and why it was proposed in the Bill that equidistance should not be the only method of delineating or delimiting the maritime boundary beyond the territorial sea.

Consideration of the Bill

11. The Committee commenced consideration of the Bill on 27th January, 2010 and considered the title and clauses.

12. The matrix attached at Appendix I identifies changes made by the Committee.

Report of the Special Select Committee

13. At its meeting held on 28th July, 2010 the Special Select Committee on the Maritime Zones Bill 2009, (Bill No. 36 of 2009) agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.

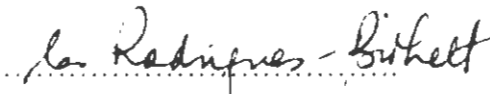
14. The Report is accordingly hereby submitted.

Amended Bill

15. Appendix II is the amended Bill which reflects the changes detailed and outlined in Appendix I.

Verbatim Record

16. The Minutes of the Proceedings of the Committee, Attendance of Members and Verbatim Records of the Proceedings of the Committee have been prepared and are available at Parliament Office.


Hon. Carolyn Rodrigues- Birkett, M.P.
Minister of Foreign Affairs,
Chairperson

*Committees Division
Parliament Office
Public Buildings
Brickdam, Stabroek
Georgetown*

28th July, 2010.

APPENDIX I

THE SPECIAL SELECT COMMITTEE ON THE MARITIME ZONES BILL 2009- BILL NO. 36 OF 2009

APPENDIX 1

MARGINAL NOTES	SECTION	SUB-SECTION	BILL	REVISED BILL
	Arrangement of Sections	15	Foreign ships carrying nuclear or other hazardous wastes.	Foreign vessels carrying nuclear or other hazardous wastes. Renumbered 14
				Eco-tourism, marine parks and reserves and mariculture operations. New. Numbered 45
		49	Measures to prevent marine pollution.	Measures to protect marine environment.
		52	Power to make regulations.	Power to make subsidiary legislation.
			PART I PRELIMINARY	
			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, eco-tourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters.	Unaltered
Short Title and Commencement	1.	-	This Act may be cited as the Maritime Zones Act 2009 and shall come into operation in whole or in parts on a date appointed by Order of the Minister.	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;	Unaltered
		(b)	“baselines” means the baselines of the territorial area determined in accordance with Section 5;	“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 21(1);	“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 21(3);	“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;	Unaltered
		(f)	“exclusive economic zone” means the exclusive	“exclusive economic zone” means the

			economic zone of Guyana established under section 27(1);	exclusive economic zone of Guyana established under section 26(1);
		(g)	“high seas” has the same meaning assigned to it in the Convention;	Unaltered
		(h)	“highest astronomical tide” means the highest sea level that can be expected to occur under average meteorological conditions and under any combination of astronomical conditions;	Deleted
		(i)	“high-water line” means the intersection of the highest astronomical tide with the land and includes the high-water line on an island;	Deleted
		(j)	“installation” includes –	(h) “installations” includes –
			(i) a moored vessel;	Unaltered – renumbered (h)
			(ii) a communication cable;	Unaltered
			(iii) an oil pipeline;	Unaltered
			(iv) a military surveillance installation;	Unaltered
			(v) a pipeline which is used for the transfer of any substance to or from a ship, a research, exploration or production platform, or the coast of Guyana;	(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;	Unaltered
			(vii) an exploration or production vessel used in the prospecting for or mining of any substance;	Unaltered
Cap:47:01			(viii) a telecommunications line as defined in section 1 of the Posts and Telecommunications Act;	Unaltered
			(ix) a vessel or equipment used for the exploration or exploitation of the seabed;	Unaltered
			(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;	Unaltered
			(xi) an area situated under or above an installation referred to in subparagraph (i) or (ii); or	Unaltered
			(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.	Unaltered
		(k)	“internal waters” means the internal waters of Guyana as defined in section 7;	Unaltered – renumbered (i)
		(l)	“island” means a naturally formed area of land, surrounded by water, which is above water at high tide;	Unaltered – renumbered (j)
		(m)	“lowest astronomical tide” means the mean height of high water as marked on large scale maps recognised by the Government;	Unaltered – renumbered (k)
		(n)	“maritime zones” means the internal waters, territorial sea, contiguous zone, the continental shelf and the exclusive economic zone;	Unaltered – renumbered (l)

		(o)	“master” includes every person lawfully having, for the time being, command or charge of any vessel;	“master” includes every person lawfully having, for the time being, command or charge of any vessel or submarine ; Renumbered (m)
		(p)	“miles” means international nautical miles of 1,852 metres each;	Unaltered – renumbered (n)
		(q)	“Minister” means the Minister of Foreign Affairs, unless otherwise indicated;	Unaltered – renumbered (o)
Act No. 11 of 1966		(r)	“natural resources” has the same meaning as assigned to it under the Environment Protection Act 1996;	“natural resources” has the same meaning as assigned to it under the Environmental Protection Act 1996; Renumbered (p)
		(s)	“nautical miles” has the same meaning as “miles”;	Unaltered – renumbered (q)
		(t)	“officially recognised large-scale charts or maps” means large-scale charts or maps supplied by the Guyana Lands and Surveys Commission;	Deleted
		(u)	“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, winds and current;	“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 ; Renumbered (r)
		(v)	“right of innocent passage” means the right of innocent passage referred to in section 10;	Unaltered - renumbered (s)
		(w)	“sea” means the water of the sea, as well as the seabed and its subsoil;	Unaltered – renumbered (t)
		(x)	“submarine” includes any underwater vehicle however propelled;	“submarine” includes any underwater vessel however propelled Renumbered (u)
		(y)	“straight line” means the shortest distance between two points on a surface;	Unaltered. – renumbered (v)
		(z)	“territorial sea” means the territorial sea of Guyana referred to in section 3;	Unaltered. - renumbered (w)
		(aa)	“UNESCO” means the United Nations Educational, Scientific and Cultural Organisation;	Unaltered - renumbered (x)
		(bb)	“UNESCO Convention” means the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001;	Unaltered. - renumbered (y)
		(cc)	“vessel” includes ship, boat or any other mode of water transport employed in navigation;	“vessel” includes ship, boat or any other mode of water transport employed in navigation but does not include a foreign warship renumbered (z)
		(dd)	“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.	Unaltered - renumbered (aa)
			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	Unaltered.

			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.	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 installations 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 the airspace over that sea.	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.	Unaltered.
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.	Unaltered.
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.	Unaltered.
			PART III INTERNAL WATERS	
Limits of the internal waters	7.		The internal waters comprise –	Unaltered.
		(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	Unaltered.
		(b)	all rivers, bays, historic bays, ports, harbours and waters lying landward of the baselines.	Unaltered.
Rights over 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.	Unaltered.
		(2)	Guyana, in the exercise of its sovereignty, has exclusive jurisdiction over the internal waters.	Unaltered.
Closing Lines	9.	(1)	The Minister responsible for lands and surveys may, by regulations, prescribe closing lines to delimit internal waters.	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 –	Unaltered.
		(a)	cross the mouth of a river;	Unaltered.
		(b)	enclose a bay; or	Unaltered.

		(c)	delimit the waters of a harbour.	Unaltered.
			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 ships shall enjoy the right of innocent passage through the territorial sea.	Subject to sections 11 and 12 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 <i>force majeure</i> or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.	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 <i>force majeure</i> 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 –	Unaltered.
		(a)	crossing those waters without entering the internal waters or calling at a roadstead or port facility outside the internal waters; or	Unaltered.
		(b)	proceeding to or from the internal waters or calling at a roadstead or port facility outside the internal waters.	Unaltered.
		(4)	In exercising the right of innocent passage, a foreign ship shall comply with the laws of Guyana, any order, direction, licence or any other authority relating to the exercise of innocent passage through the territorial sea.	In exercising the right of innocent passage, a foreign vessel shall comply with the laws of Guyana, any order, direction, licence or any other authority relating to the exercise of innocent passage through the territorial sea.
Right of innocent passage in the internal waters	11.	(1)	Where a straight base line, as referred to in section 5, has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage shall exist in those waters.	Deleted
		(2)	Where closing lines are prescribed to delimit internal waters in accordance with section 9, any right of innocent passage previously existing in the internal waters delimited by those closing lines shall continue to exist to the extent that it previously existed.	Deleted.
Regulating innocent passage	12	(1)	A foreign warship, including a submarine and any other underwater vehicle of war, may enter or pass through the territorial sea after giving prior notice to the President.	(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. Renumbered 11
		(2)	A submarine or any other underwater vehicle 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.	A submarine or any other underwater vessel, 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	The Minister responsible for transport

			harbours may by order designate sea lanes and prescribe traffic separation schemes for the regulation of the passage of ships through the internal waters and territorial sea and in the interest of safety of navigation.	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 captain or person in charge of an underwater vessel who contravenes subsection (2) commits an offence and is liable on conviction on indictment to a fine of five thousand dollars and to imprisonment for five years.	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	13	(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 –	Unaltered. Renumbered 12 (1)
		(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;	Unaltered.
		(b)	any exercise or practice with weapons of any kind;	Unaltered.
		(c)	any act, in contemplation of collecting information, which would be prejudicial to the defence or security of Guyana;	Unaltered.
		(d)	any act of propaganda calculated to affect the defence or security of Guyana;	Unaltered.
		(e)	the launching of, landing on or taking on board of any aircraft or military device;	Unaltered.
		(f)	the loading or unloading of any commodity, currency or person contrary to any laws relating to customs, excise, immigration or sanitation;	Unaltered.
		(g)	the willful discharge of any substance which causes pollution, in contravention of the Convention;	the wilful discharge of any substance which causes pollution, in contravention of the Convention;
		(h)	any fishing activities;	Unaltered.
		(i)	the carrying on of research or surveying activities;	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	Unaltered.
		(k)	any other activity not directly related to its passage.	Unaltered.
		(2)	The captain or person in charge of a foreign vessel or an underwater vessel who takes part in or causes his vessel to be engaged in, and any other person on board who takes part in, any activity specified in subsection (1) –	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 are each liable on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years; and	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 captain and the other person who were	where the offence is continued after conviction, the master and the other

			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.	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	14		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 ships through any area of the territorial sea.	(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. Renumbered 13
Foreign vessels carrying nuclear or other hazardous wastes	15	(1)	A person shall not, except with prior permission, agreement or consent of and prior notification to the Minister responsible for the environment, store, transport or permit to store or transport any nuclear or other inherently dangerous or noxious substances in the internal waters and territorial sea.	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. Renumbered 14 (1), marginal note amended
		(2)	Where any foreign nuclear-powered ship or foreign ship carries nuclear or other inherently dangerous or noxious substances while exercising the right of innocent passage through the territorial sea, the captain or person in charge of the ship shall, in relation to the ship and substances, carry the necessary documents and shall observe the precautionary measures that are established for those ships by any international agreement applicable to the carrying of those substances or any law for the time being in force.	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. Renumbered 14 (2)
		(3)	A ship to which subsection (2) refers may be required to confine its passage to such sea lanes as may be prescribed.	A vessel to which subsections (2) and (3) refer may be required to confine its passage to such sea lanes as may be prescribed. Renumbered 14 (5)
		(4)	Any person who contravenes this section commits an offence and is liable on conviction on indictment to a fine of ten million dollars and to	A master of a vessel who contravenes this section commits an offence and is liable on summary conviction to a fine

			imprisonment for twenty-five years.	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. Renumbered 14 (6)
Discharge of harmful substances and other hazardous wastes	16	(1)	A person shall not, except with the prior permission or agreement and notification of the Minister responsible for the environment, discharge any harmful substances and hazardous wastes in the internal waters and territorial sea.	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. Renumbered 15 (1)
		(2)	Ships carrying radioactive materials shall not pass through any part of the territorial sea or internal waters unless prior notification of intended passage and the route to be taken by the ship through those waters or the sea has been given in accordance with regulations that may be prescribed.	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. Renumbered 14 (3)
		(3)	The Minister responsible for the environment may make regulations regulating the passage of ships carrying hazardous waste, and nuclear and radioactive materials through all or any part of the internal waters and territorial sea.	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. Renumbered 14(7)
		(4)	Regulations made under this section shall provide for the action that may be taken, including stopping and boarding ships, to ensure compliance with the regulations.	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. Renumbered 14 (8)
		(5)	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.	Renumbered as 14(4)
		(6)	A person who contravenes this section commits an offence and is liable on conviction on indictment to a fine of twenty million dollars and to imprisonment for twenty-five years.	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. Renumbered 15 (2)
Laws applicable to the rights of hot pursuit	17		With the exception of penal laws, the laws of Guyana shall apply with respect to the execution of official and defence duties by Guyanese public	(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 and contiguous zone undertaken in accordance with Article III of the Convention and the conduct obstructing such execution.	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. Renumbered 16 (1) and (2)
		PART V THE CONTIGUOUS ZONE	
	18	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.	Unaltered. Renumbered 17
	19)	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.	Unaltered. Renumbered 18
	20	(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.	Unaltered. Renumbered 19
		(2) A power of arrest shall not be exercised in the contiguous zone on board any ship registered outside Guyana without the consent of the Attorney General of Guyana.	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.	Unaltered.
		(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 five million dollars and to imprisonment for ten years.	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.	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 –	Unaltered.
		(a)	prevent infringement of any customs, fiscal, immigration or sanitary laws within Guyana, its internal waters and territorial sea; and	Unaltered.
		(b)	punish the infringement of those laws committed within Guyana, its territorial sea and internal waters.	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	21	(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 –	Unaltered. Renumbered 20
		(a)	subject to Article 76(2) of the Convention, to the outer edge of the continental margin; or	Unaltered.
		(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.	Unaltered.
		(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.	Unaltered.
		(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.	Unaltered.
Rights of the continental shelf	22	(1)	In the continental shelf there is vested in Guyana –	Unaltered. Renumbered 21
		(a)	sovereign and exclusive rights for the purpose of exploring, exploiting, conserving and managing its natural resources;	Unaltered.
		(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;	Unaltered.

		(c)	exclusive right to authorize and regulate drilling for any purposes;	Unaltered.
		(d)	jurisdiction to authorise, regulate and control marine scientific research; and	Unaltered.
		(e)	jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.	Unaltered.
		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.	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.
License or authority to explore or exploit resources	23	(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 –	Unaltered. Renumbered 22
		(a)	explore or exploit its resources;	Unaltered.
		(b)	carry out any search or excavation or conduct any research; or	Unaltered.
		(c)	drill or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device for any purpose.	Unaltered.
		2	Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.	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	24		The President may by order –	Renumbered 23
		(a)	declare any area of the continental shelf and its superjacent waters to be a designated area; and	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 –	Unaltered.
		(i)	the exploration, exploitation and protection of the resources of the continental shelf within the designated area;	Unaltered.
		(ii)	the safety and protection of artificial islands, off-shore terminals, installations, and other structures and devices in the designated area;	Unaltered.
		(iii)	the preservation and protection of the marine environment of the designated area;	Unaltered.
		(iv)	customs and other fiscal matters in relation to the designated area;	Unaltered.
		(v)	the entry into and passage through the designated	the entry into and passage through the

			area by foreign ships 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	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.	Unaltered.
Submarine cables and pipelines in the continental shelf	25		Without limiting the provisions of section 24 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.	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. Renumbered 24
Exercise of jurisdiction in the continental shelf	26	(1)	Guyana has jurisdiction with regard to customs, fiscal, health, security and immigration laws in relation to the continental shelf.	Unaltered. Renumbered 25
		(2)	The 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.	Renumbered 25 (3)
		(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 law from time to time in force in Guyana.	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 of Guyana. Renumbered 25 (2) (a)
		(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.	Unaltered. Renumbered 25 (2) (b)
		(c)	In exercising its rights and performing its duties in the continental shelf, Guyana shall have due regard to the rights and duties of other States and shall act in a manner compatible with international law.	Unaltered. Renumbered 25 (4)
PART VII				
THE EXCLUSIVE ECONOMIC ZONE				
Limits of the exclusive economic zone	27	(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 point of the baseline of the territorial sea and is so designated as the exclusive economic zone of Guyana.	Unaltered. Renumbered 26
		(2)	The Minister may by regulations, prescribe the line of the outer limit of the exclusive economic zone.	Unaltered.
Rights of the	28.		In the exclusive economic zone, there is vested in	Unaltered.

exclusive economic zone			Guyana –	Renumbered 27
		(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, winds and currents;	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;	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 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;	Unaltered.
		(d)	jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;	Unaltered.
		(e)	jurisdiction with regards to customs, fiscal, health, security and immigration laws; and	Unaltered.
		(f)	any other rights that are recognised by international law.	Unaltered.
	29		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.	Unaltered. Renumbered 28
	30	(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 agreement with the Government of Guyana or of a licence or letter of authority granted by the President –	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 – Renumbered 29
		(a)	explore or exploit any resources;	Unaltered.
		(b)	carry out any search or excavation or conduct any research; or	Unaltered.
		(c)	drill or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device for any purpose.	Unaltered.
		(2)	Nothing in this section shall apply in relation to fishing by a citizen of Guyana.	Unaltered.
		(3)	Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.	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.
	31		The President may by order –	Unaltered. Renumbered 30

		(a)	declare any area of the exclusive economic zone to be a designated area; and	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 –	Unaltered.
		(i)	the exploration, exploitation and protection of the resources of the designated area;	Unaltered.
		(ii)	any other activities for the economic exploitation and exploration of the designated area such as the production of energy from tides, winds and currents;	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, off-shore terminals, installations and any other structure and devices in the designated area;	Unaltered.
		(iv)	the protection of the marine environment of the designated area;	Unaltered.
		(v)	customs and other fiscal matters in relation to the designated area; or	Unaltered.
		(vi)	entry into and passage through the designated area of foreign ships 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.	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.
	32	(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 law from time to time in force in Guyana.	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. Renumbered 31
		(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.	Unaltered.
		(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.	Unaltered.
	33		The norms, regulations and measures for the prevention, reduction and control of pollution from ships, 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 international conventions to which Guyana is a party.	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. Renumbered 32
	34		Rights enjoyed by Guyana in the exclusive economic zone that are not stipulated in this Act	Unaltered, Renumbered 33

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	35	(1)	Delimitation of the boundaries of the territorial sea between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State and failing agreement, neither of the two States is entitled 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 sea of each of the two States is measured.	In accordance with Article 15 of the Convention and international law, delimitation of the boundaries 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. Renumbered 34
		(2)	Subsection (1) shall not apply where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of Guyana and that other State in a way which is at variance with subsection (1).	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 boundaries of the continental shelf and the exclusive economic zone	36		Delimitation of the boundaries of the continental shelf and the exclusive economic zone between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State 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.	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. Renumbered 35
Settlement of disputes	37		If no agreement can be reached under sections 35 and 36, Guyana shall resort to the procedures provided for in Part XV of the Convention.	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. Renumbered 36
Publication of agreement	38		Every agreement entered into under sections 35 and 36 shall, as soon as after it is entered into, be published in the <i>Gazette</i> .	Every agreement entered into under sections 34 and 35 shall, as soon as after it is entered into, be published in the Gazette . Renumbered 37

**PART IX
CHARTS AND GEOGRAPHICAL COORDINATES**

Preparation of charts and geographical coordinates	39		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 –	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 – Renumbered 38
		(1)(a)	the baselines of the territorial sea;	Unaltered.

		(b)	the outer limit lines of the territorial sea, the continental shelf and the exclusive economic zone;	Unaltered.
		(c)	the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone;	Unaltered.
		(d)	sea lanes or traffic separation schemes.	Unaltered.
		(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).	Unaltered.
Publication of charts and geographical coordinates	40		The Minister responsible for Lands and Surveys shall -	Renumbered 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	Unaltered.
		(b)	provide a copy of each chart and list of geographical coordinates to be deposited with the Secretary-General of the United Nations.	Unaltered.
Evidence of charts or lists of geographical coordinates	41	(1)	The Minister responsible for Lands and Surveys may issue charts or lists of geographical coordinates prepared under section 39 on payment of the prescribed fees.	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. Renumbered 40
		(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.	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.	In any proceedings in any court a certificate purporting to be signed by the Minister responsible for lands and surveys or any person authorised by the Minister 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 who signs the certificate is, in the absence of proof to the contrary, presumed to be duly authorized to sign it.	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 authorized to sign it.

**PART X
MARINE SCIENTIFIC RESEARCH**

Regulation of marine scientific research in the maritime zones	42.	(1)	Guyana has sovereign rights, as provided by international law and in particular Article 245 of the Convention to regulate, authorize and conduct marine scientific research in the territorial sea.	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.
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				Renumbered 41
		(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, authorize and conduct marine scientific research in the exclusive economic zone and on the continental shelf in accordance with the relevant provisions of the Convention.	Unaltered.
		(3)	Without limiting the generality of subsections (1) and (2), the Minister responsible for the Environment may make regulations regulating the conduct of marine scientific research.	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)	The Minister responsible for the environment shall ensure that the regulations made under subsection (3) conform with Articles 245 to 253 of the Convention so far as they relate to any proposed marine scientific research; and ensure that those given consent make their work available to Guyana.	A person, entity, foreign government or international organisation 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 commits any offence created by any regulation made under subsection (3) is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.	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	43		The Minister may by order declare an area within the territorial sea and the contiguous zone to be known as the maritime cultural area.	Unaltered. Renumbered 42
Rights in the maritime cultural area	44	(1)	Guyana has sovereign rights and exclusive jurisdiction in its maritime cultural area.	Unaltered. Renumbered 43
		(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.	Unaltered.
Underwater cultural heritage	45	(1)	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.	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. Renumbered 44 (5)
				(44) 1 The Minister responsible for culture may authorise activities directed at underwater cultural heritage within the territorial sea and contiguous zone. new 44 (1)
				A person, entity, foreign government or international organisation 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 of any written agreement of the Government of Guyana. New 44 (2)
				A person, entity, foreign government or international organisation 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. New 44 (3)
				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. New 44(4)
		(2)	The regulations made under subsection (1) 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.	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. Renumbered 44 (6)
		(3)	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 area.	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 area. Renumbered 7

PART XII
ECO-TOURISM, MARINE PARKS AND RESERVES AND MARICULTURE

				<p>Eco-tourism, marine parks and reserves and mariculture operations</p> <p>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.</p>
				<p>(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.</p>
				<p>(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.</p>
Designated areas for eco-tourism, marine parks and reserves and mariculture operations	46		The Minister responsible for Transport and Harbours may by order designate –	The Minister may by order design
		(a)	any area of any maritime zone for the establishment or creation of eco-tourism operations;	Unaltered.
		(b)	any area of any maritime zone for the establishment or creation of marine park operations or temporary marine protected areas;	Unaltered.
		(c)	any area of any maritime zone or any island within any maritime zone for the establishment or creation of marine reserve operations; and	Unaltered.
		(d)	any area of any maritime zone for the establishment or creation of mariculture operations.	Unaltered.
Establishment and regulation of eco-tourism, marine parks and reserves and mari-culture operations	47	(1)	The Minister may make regulations for establishing or creating, regulating the conduct of and safeguarding any of the operations referred to in section 45 including regulations with respect to the identification and markings of the boundaries of the operations, boats and gear.	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 –	Unaltered.
		(a)	to all mariculture boats of Guyana, and activities done with those boats and their crews wherever they may be; and	Unaltered.
		(b)	to all foreign mariculture boats and activities done with those boats and their crews, in waters within the mariculture area.	Unaltered.

		(3)	Where a regulation made under this section is not complied with in the case of a mariculture boat or its crew, the master, the owner and the charterer, if any, together commit an offence and are liable on summary conviction in the case of a first conviction to a fine of five hundred thousand dollars and in the second or subsequent conviction to a fine of one million dollars.	
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PART XIII
THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Regulations for the protection and preservation of the marine environment	48		The Minister responsible for the environment may make regulations for the protection and preservation of the marine environment including regulations for –	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 –	Unaltered.
		(i)	from land-based sources, including rivers, estuaries, pipelines and outfall structures;	Unaltered.
		(ii)	from or in connection with seabed activities subject to its jurisdiction;	from or in connection with seabed activities subject to Guyana's jurisdiction;
		(iii)	from artificial islands, installations and structures under its jurisdiction in accordance with Articles 60 and 80 of the Convention;	from artificial islands, installations and structures under Guyana's jurisdiction in accordance with Articles 60 and 80 of the Convention;
		(iv)	by dumping;	from dumping;
		(v)	from or through the atmosphere, applicable to the air space under its sovereignty; and	from or through the atmosphere, applicable to the air space under Guyana's sovereignty; and
		(vi)	from vessels flying its flag or vessels or aircrafts under its registry;	from vessels flying Guyana's flag or vessels or aircrafts under its registry;
		(b)	regulating conduct in, and safeguarding the maritime zones;	Unaltered.
		(c)	environmental assessment of economic and other activities in the maritime zones;	Unaltered.
		(d)	environmental control in the maritime zones;	Unaltered.
		(e)	monitoring of the condition of the maritime zone;	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	Unaltered.
		(g)	any other matters relating to the protection and preservation of the marine environment.	Unaltered.
Measures to prevent marine pollution	49	(1)	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.	Renumbered 49 (2)
		(2)	Any person who contravenes any order made by the	Measures to protect marine

			Minister under sub-section (1) commits an offence and is liable on summary conviction to a fine of one million dollars and on conviction on indictment to a fine of two million dollars.	environment (amended marginal note) 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. Renumbered 49 (1)
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.	Unaltered.
		(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.	Unaltered.
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.	Unaltered.
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 –	Unaltered.
		(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;	providing the manner of giving prior notification of intended passage and of the route to be taken by vessels 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;	Unaltered.
		(c)	establishing the outer limits of the continental shelf and exclusive economic zone;	Unaltered.
		(d)	fees in relation to licences and letters of authority referred to in sections 23(1) and 30(1) or for any other purposes;	fees in relation to licences and letters of authority referred to in sections 22(1) and 29(1) or for any other purposes; Numbering changed.
		(e)	regulating the conduct of any person in the maritime zones;	Unaltered.
		(f)	regulating the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;	Unaltered.

		(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;	Unaltered.
		(h)	regulating and authorising activities directed at underwater cultural heritage within the contiguous zone;	Unaltered
		(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;	Unaltered
		(j)	preserving and protecting the marine environment and prevention and control of marine pollution including any of the related matters referred to in section 48;	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.	Unaltered.
		(2)	A person who commits an offence created any subsidiary legislation made under this Act for which no other penalty is prescribed is liable on summary conviction to a fine of ten thousand dollars and imprisonment for six months.	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.	Unaltered.
Power to amend any law to give effect to the act	54		If any difficulty arises in giving effect to this Act, the Minister may, by order within three years from the commencement of this Act, amend any law that appears to the Minister to be necessary or expedient for removing the difficulty.	Deleted.
Amendments, transitional and savings	55	(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.	Unaltered. Renumbered 54
		(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,	Unaltered.

			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.	Unaltered.
		(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.	Unaltered.
No 10 of 1977		(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.	Unaltered.
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.	Unaltered.
		(7)	Notwithstanding section 56, 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.	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	56		The Maritime Boundaries Act 1977 is repealed.	Unaltered. Renumbered 55