

THE MARITIME AREAS ACT

ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

Declaration of Archipelagic State

3. Declaration of archipelagic State.

Internal Waters

4. Internal waters.

Archipelagic Waters

5. Sovereignty in archipelagic waters.
6. Archipelagic baselines.
7. Status of existing submarine cables.
8. Right of innocent passage in archipelagic waters.
9. Right of archipelagic sea lanes passage.

Jurisdiction of courts in relation to territory of Jamaica

10. Jurisdiction of courts.

Territorial Sea

11. Sovereignty in the territorial sea.
12. Limits of territorial sea and application of laws with reference thereto.
13. Innocent passage in the territorial sea.

MARITIME AREAS

14. Criminal jurisdiction.
15. Civil jurisdiction.
16. Ships of war and other government vessels operated for non-commercial purposes.

Provisions relating to archipelagic waters and the territorial sea

17. Vessel carrying nuclear or other dangerous or noxious substances.
18. Non-innocent passage.

Contiguous Zones

19. Limit of contiguous zone.
20. Criminal jurisdiction in contiguous zone.

Continental Shelf

21. Limit of continental shelf.
22. Rights in and jurisdiction over continental shelf.

General

23. Ship or person having immunity of State of registration or nationality.
24. Powers of Marine Officer.
24. Powers of Marine Officers.
25. Proceedings against the Crown or Marine Officer.
26. Power of Minister.
27. Offences.
28. Regulations.

THE MARITIME AREAS ACT

Act
25 of 1996.

[28th November, 1996.]

Preliminary

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

Short title.

2. In this Act—

Interpreta-
tion.

“archipelagic waters” means the archipelagic waters of Jamaica as defined in section 5 (a);

“competent authority” means the Minister or any person designated by him as such for the purposes of this Act;

“contiguous zone” means the contiguous zone of Jamaica as defined in section 19;

“continental shelf” means the continental shelf of Jamaica as defined in section 21;

“foreign vessel” means a vessel the nationality or registration of which is not Jamaican;

“internal waters” means the internal waters of Jamaica as defined in section 4;

“Jamaica” has the same meaning as in the Jamaica Independence Act;

“Marine Officer” means any officer employed to the Customs Department, any game warden approved as such under the Wild Life Protection Act, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force or any public officer designated by a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister;

“Montego Bay Convention” means the United Nations Convention on the Law of the Sea signed in Montego Bay on the 1st day of December, 1982;

“nautical mile” means the International Nautical Mile of 1,852 metres;

“territorial sea” means the territorial sea of Jamaica as defined in section 12;

“vessel” includes any ship, canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or other seagoing vessel, whether surface craft or submarine or any other underwater vessel.

Declaration of Archipelagic State

Declaration
of archipelagic
State.

3. Jamaica is hereby declared to be an archipelagic State.

Internal Waters

Internal
waters.

4. The internal waters comprise the areas of the sea which are on the landward side of the closing lines within the archipelagic waters which may be prescribed for the purposes of defining the internal waters.

Archipelagic Waters

Sovereignty
in archipelagic
waters.

5. The sovereignty of Jamaica as an archipelagic State extends to—

- (a) the waters enclosed by archipelagic baselines, drawn pursuant to section 6, and described as archipelagic waters, regardless of the depth or distance from the coast; and
- (b) the air space over the archipelagic waters as well as their bed and subsoil and the resources, living and non-living, contained therein.

6.—(1) The archipelagic baselines shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of Jamaica.

Archipelagic
baselines.

(2) The breadth of the territorial sea, the contiguous zone and the continental shelf shall be measured from the archipelagic baselines.

7. Where, at the 28th day of November, 1996, there are submarine cables which have been laid by a foreign State and which pass through the archipelagic waters without making a landfall, such cables shall remain in place; and the maintenance and replacement thereof shall be authorized by the competent authority upon the competent authority being notified of their location and the intention to repair or replace them.

Status of
existing
submarine
cables.

8.—(1) Subject to the power of the Minister to designate sea lanes passage or air routes pursuant to section 26 (1) (b) and without prejudice to his power under section 26 (1) (a) to prescribe closing lines for defining internal waters, all vessels enjoy the right of innocent passage through the archipelagic waters in accordance with the provisions of section 13.

Right of
innocent
passage in
archipelagic
waters.

(2) The competent authority may by order published in the *Gazette*, suspend temporarily, in any area of the archipelagic waters specified in the Order, the innocent passage of foreign vessels if such suspension is essential for the protection of the security of Jamaica.

9.—(1) The sea lanes passage and air routes referred to in section 8 shall be suitable for the continuous and expeditious passage of all vessels and aircraft through or over the archipelagic waters and the adjacent territorial sea.

Right of
archipelagic
sea lanes
passage.

(2) Subject to the provisions of this Act, all foreign vessels and aircraft enjoy the right of archipelagic sea lanes passage, that is to say, the right of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and other part of the high seas or an exclusive economic zone.

(3) A foreign vessel shall, in exercising the right of archipelagic sea lanes passage—

- (a) observe international regulations, procedures and practices for safety at sea and the prevention, reduction and control of pollution from ships; and
- (b) comply with the provisions of any enactment having effect with regard to the archipelagic waters in relation to—
 - (i) the safety of navigation and the regulation of marine traffic including the operation of traffic separation schemes;
 - (ii) fishing vessels and the control of fishing including the stowage of fishing gear; and
 - (iii) customs, excise, immigration or sanitation controls in respect of the loading or unloading of any commodity, currency or person.

(4) The right of archipelagic sea lanes passage shall be exercised only through sea lanes or air routes designated pursuant to section 26 (1) (b), so, however, that until such sea lanes or air routes are designated, the right of such passage may be exercised through the routes normally used for international navigation.

Jurisdiction of courts in relation to territory of Jamaica

Jurisdiction
of courts.

10. For the purpose of the exercise of the jurisdiction of the courts of Jamaica, the territory of Jamaica shall include the internal waters and the archipelagic waters.

Territorial Sea

11. There is vested in the Crown sovereignty over the territorial sea, the air space over it and the bed and subsoil thereof.

Sovereignty
in the
territorial
sea.

12.—(1) The territorial sea comprises the waters of so much of the sea adjacent to Jamaica and having—

- (a) as its landward limit the archipelagic baselines referred to in section 6 (1); and
- (b) as its seaward limit a line measured from those baselines every point of which is twelve nautical miles from the nearest point of the baselines.

Limits of
territorial
sea and
application
of laws with
reference
thereto.

(2) Any reference in enactments to the territorial waters of Jamaica as were expressed in whatever terms or implied immediately before the 28th day of November, 1996, being enactments continuing in force or brought into operation in Jamaica on or after that date, shall, in relation to any period commencing thereon or thereafter, be construed as the territorial sea.

13.—(1) Subject to the provisions of this Act, vessels of all States enjoy the right of innocent passage through the territorial sea.

Innocent
passage in
the territo-
rial sea.

(2) Passage referred to in subsection (1) shall be continuous and expeditious, but shall allow for stopping and anchoring in so much as stopping and anchoring 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 subsections (1) and (2) “passage” means navigation through the territorial sea for the purpose of—

(a) traversing that sea 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 such roadstead or port facility as is mentioned in paragraph (a).

(4) An underwater vessel which is in the territorial sea in exercise of its right of innocent passage shall be required while in such sea to navigate on the surface thereof and fly its flag.

(5) Foreign vessels exercising the right of innocent passage through the territorial sea may be required, in the interest of safety of navigation and the regulation of the passage of vessels, to use designated sea lanes or such traffic separation schemes as may be prescribed.

(6) The Minister may, by order published in the *Gazette*, suspend temporarily the right of innocent passage in such areas of the territorial sea as are specified in the Order if such suspension is essential for the protection of the security of Jamaica.

(7) A captain or person in charge of an underwater vessel who contravenes the provisions of subsection (4), commits an offence and is liable on conviction on indictment in a Circuit Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(8) A foreign vessel which contravenes the provisions of subsection (5), commits an offence and is liable on conviction on indictment in a Circuit Court to a fine not exceeding five hundred thousand dollars.

Criminal
jurisdiction.

14.—(1) An act—

- (a) committed by a person, whether or not a citizen of Jamaica, on or in the territorial sea; and

- (b) being of such a description as would, if committed on land within a parish in Jamaica, be punishable on indictment according to the law of Jamaica for the time being in force,

is an offence punishable on indictment in Jamaica in like manner notwithstanding that it may have been committed on board a foreign vessel, and, subject to subsection (3), the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence, due regard being had to the interest of navigation.

(2) No person shall be arrested on board a foreign vessel which is passing through the territorial sea nor shall any investigation be conducted into any crime committed on board such foreign vessel—

- (a) during such passage except where—
 - (i) the consequences of the crime extend to Jamaica; or
 - (ii) the crime is of a kind which disturbs the peace of Jamaica or the good order of the territorial sea; or
 - (iii) the assistance of a Marine Officer has been requested by the master of the foreign vessel or by a diplomatic or consular representative of the State of registration of the foreign vessel; or
 - (iv) such measures are necessary for the suppression of the illicit traffic in narcotic drugs and psychotropic substances; or
- (b) where the crime is committed before the foreign vessel entered the territorial sea, if the foreign vessel is proceeding from a foreign port and has

MARITIME AREAS

not entered the internal waters, so, however, that this paragraph shall not apply—

- (i) where the foreign vessel in the exclusive economic zone contravenes—
 - (A) an international rule or standard for the prevention, reduction or control of pollution from ships; or
 - (B) any provision of an enactment or regulations made thereunder which gives effect to such rule or standard; and
- (ii) where the contravention mentioned in subparagraph (i)—
 - (A) results in substantial discharge causing or threatening significant pollution of the marine environment; and
 - (B) results in a discharge causing damage or the threat thereof to the coastline of Jamaica of any resources of its territorial sea or exclusive economic zone:

Provided that an arrest may be made or an investigation conducted on board a foreign vessel which is passing through the territorial sea after leaving the internal waters.

(3) For the purposes of this section, all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.

(4) Without prejudice to the provisions of subsection (7), for the purpose of arresting any person charged with an offence declared by this section to be indictable, the territorial sea shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in

Jamaica to arrest persons acting in breach of the law or to issue warrants for the arrest of persons charged with indictable offences committed within his jurisdiction.

(5) Nothing in this section shall—

- (a) except as provided by subsection (7), restrict or prejudice the exercise of any powers or authority by, for, or on behalf, or in the name or service of Her Majesty in right of Her Government of Jamaica pursuant to international law or any provisions contained immediately before the 28th day of November, 1996, in any law having effect thereafter as part of the law of Jamaica;
- (b) abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provisions contained as aforesaid;
- (c) preclude any act of piracy (as defined by any such law or provisions as aforesaid) from being tried or otherwise dealt with in like manner as such an act might, before the 28th day of November, 1996, have been dealt with pursuant to any law or custom hitherto applicable to Jamaica, but without prejudice to it being lawful to deal in any other manner hereinbefore authorized by this section with any such act declared to be indictable as aforesaid,

and references in this section to provisions contained in any law immediately before the 28th day of November, 1996, include references to provisions to be construed in accordance with section 12 (2).

(6) Where pursuant to subsection (2) an arrest is to be made or investigations are to be conducted on board a foreign vessel, then if the master thereof so requests, the competent authority shall ensure that a diplomatic or consular representative of the State of registration of the foreign

vessel is so notified and steps are taken to facilitate communication between such representative and the crew of the foreign vessel, so, however, that where it is expedient that an arrest be made or investigations commenced immediately, notification to the representative may be made at the time the arrest is being made or the investigations are being conducted.

(7) No exercise of power or authority in any manner described in paragraph (a) of subsection (5) shall be such as to constitute a breach of Article 27 of the Montego Bay Convention.

(8) No prosecution for an offence punishable under subsection (1) shall be instituted except by or with the consent of the Director of Public Prosecutions:

Provided that this subsection shall not prevent the arrest or the issue of a warrant for the arrest, of any person in respect of such offence, or the remanding in custody or on bail of any person charged with such an offence.

Civil
jurisdiction.

15.—(1) No foreign vessel passing through the territorial sea shall be intercepted only for the purpose of the execution of civil process or the exercise of civil jurisdiction in relation to any person on board such vessel.

(2) No writ of execution shall be levied against or any foreign vessel arrested for the purpose of any civil proceedings except in respect of any obligation or liability assumed or incurred by such vessel in the course of or for the purpose of its voyage through internal waters, archipelagic waters, territorial sea or exclusive economic zone.

(3) Subsection (2) is without prejudice to the right to levy execution against or to arrest for the purposes of any civil proceedings, a foreign vessel lying in the territorial sea or passing through the territorial sea after leaving the internal waters.

16.—(1) Where the officer in command of a foreign ship of war fails to comply—

(a) with any law or regulation relating to the ship's passage through the territorial sea; and

(b) with any request for compliance therewith,
the competent authority may require that the foreign ship of war leave the territorial sea with immediate effect.

Ships of war and other government vessels operated for non-commercial purposes.

(2) Where any loss or damage is occasioned as a result of the non-compliance by a foreign ship of war or other government vessel operated for non-commercial purposes with any law or regulation made thereunder in respect of passage through the territorial sea or with any provision of the Montego Bay Convention or other rules of international law, the State of registration of that foreign ship of war or other government vessel shall bear responsibility for such loss or damage.

(3) The provisions of this Act shall not affect any immunity attached to a foreign ship of war or other government vessel operated for non-commercial purposes.

Provisions relating to archipelagic waters and the territorial sea

17.—(1) 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 archipelagic waters or the territorial sea, the captain or person in charge of the vessel shall, in relation to the vessel and substances, carry such documentation as is necessary and shall take such precautionary measures as are established for such vessels by any international agreement applicable to the carrying of such substances or any enactment for the time being in force.

Vessel carrying nuclear or other dangerous or noxious substances.

(2) A vessel to which subsection (1) refers may be

required to confine its passage to such sea lanes as may be designated.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding twenty-five years or to both such fine and imprisonment.

Non-innocent
passage.

18.—(1) The passage of a foreign vessel shall be considered to be prejudicial to the peace, good order or security of Jamaica, that is to say, the passage is not innocent if, while in the archipelagic waters or the territorial sea, such vessel engages in—

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Jamaica or acts 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 Jamaica;
- (d) any act of propaganda calculated to affect the defence or security of Jamaica;
- (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 or regulations made thereunder;
- (g) the wilful discharge of any substance which causes pollution, in contravention of the Montego Bay 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 Jamaica; or
- (k) any other activity not directly related to its passage.

(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, or any other person on board who takes part in, any activity specified in subsection (1)—

- (a) commits an offence and is liable on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding twenty-five years or to both such fine and imprisonment; and
- (b) where the offence is continued after conviction, the captain or other person as aforesaid commits a further offence and is liable on conviction thereof to a fine of three hundred thousand dollars for each day on which the offence is so continued,

and, in addition, the Court may order the forfeiture of any such vessel as aforesaid.

Contiguous Zone

19. The contiguous zone comprises those areas of the sea that are beyond and adjacent to the territorial sea and having as its seaward limit a line measured seaward from the baselines referred to in section 6 (2) every point of which is twenty-four nautical miles from the nearest point of the baselines.

Limit of
contiguous
zone.

20.—(1) There is vested in the Crown authority in the contiguous zone to take such measures as are necessary to prevent in Jamaica, the archipelagic waters or the territorial sea thereof, the infringement, by any person or vessel, of the provisions of any enactment relating to customs, fiscal matters, immigration or sanitation and to arrest any person who or vessel which, contravenes such laws or regulations.

Criminal
jurisdiction
in contigu-
ous zone.

(2) A Marine Officer shall have, pursuant to the jurisdiction vested in the Crown under subsection (1), power to arrest for any infringement of the provisions of any enactment relating to the matters specified therein.

Continental Shelf

**Limit of
continental
shelf.**

21.—(1) Subject to subsection (3), the continental shelf comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Jamaica to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines established in accordance with section 6 where the outer edge of the continental margin does not extend to that distance.

(2) Where the continental margin referred to in subsection (1) extends beyond two hundred nautical miles from the nearest point of the baselines of the territorial sea, the outer limits of the continental shelf shall be established having regard to the principles of international law relevant to the establishment and delineation of the continental shelf beyond that point.

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

(4) Where the outer edge of the continental shelf intersects the outer edge of the continental shelf of another State whose coast is opposite or adjacent to Jamaica, delimitation of the boundaries of the continental shelf for Jamaica and that State shall be effected by agreement on the

basis of international law as referred to in Article 38 of the Statute of the International Court of Justice in order to achieve an equitable solution.

22.—(1) In the continental shelf there is vested in the Crown—

Rights in
and juris-
diction
over con-
tinental
shelf.

- (a) sovereign rights for the purpose of exploring and exploiting its natural resources;
- (b) exclusive rights to authorize and regulate drilling for all purposes;
- (c) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures used for economic purposes; and
- (d) the right to prevent, reduce or control pollution from pipelines.

(2) The natural resources referred to in subsection (1) (a) consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

General

23.—(1) Where pursuant to section 18 (1), the passage of a foreign vessel is considered to be prejudicial to the peace, good order or security of Jamaica, and that vessel or any person on board such vessel who participates in any activity considered to be so prejudicial is entitled to State or other immunity recognized by law, then the State of such vessel or the State of nationality of that person shall be deemed

Ship or per-
son having
immunity of
State of regi-
stration or
nationality.

to have international responsibility for the activity of the vessel or person, as the case may be.

(2) Where under subsection (1) the State of a foreign vessel or the State of nationality of a person is deemed to have international responsibility, the Minister shall take such steps as are necessary to obtain all remedies which are available under international law.

**Powers of
Marine
Officer.**

24.—(1) Where a foreign vessel is being used to carry out any activity specified in section 18 (1) or where a Marine Officer has reasonable cause to suspect that a foreign vessel is being so used, it shall be lawful for the Marine Officer to stop and board such vessel for the purpose of—

- (a) carrying out investigations into the activity;
- (b) giving directions to the captain or person in charge of such vessel, or any other person on board in pursuance of the provisions of this Act;
- (c) requiring any person on board such vessel to produce any licence which is relevant to any activity being carried out;
- (d) requiring any person on board such vessel to give an explanation in relation to any activity being carried out.

(2) A Marine Officer may, for the purposes of this Act, with or without a warrant, arrest—

- (a) any foreign vessel which carries out any activity prejudicial to the peace, good order or security of Jamaica;
- (b) the captain or person in charge of this foreign vessel which is being so used;
- (c) any person on board such vessel who participates in any such activity;

- (d) any underwater vessel which contravenes the provisions of section 13 (4);
- (e) any person who in the continental shelf—
 - (i) explores or exploits its natural resources;
 - (ii) drills for any purpose;
 - (iii) constructs, operates, maintains and uses any artificial islands, installations or structures, without being so authorized in writing by the competent authority;
- (f) any vessel used to explore or exploit the natural resources pursuant to paragraph (e) (i) and seize any equipment used to carry out any of the activities specified in paragraph (e) (ii) and (iii);
- (g) any person who—
 - (i) fails to comply with a directive for the prevention, reduction or control of pollution from pipelines in the continental shelf;
 - (ii) aids and abets such person;
- (h) any person who obstructs a Marine Officer in the carrying out of his functions under this Act.

(3) A Marine Officer acting pursuant to subsection (1) or (2) shall ensure that the safety of navigation is not endangered or that no hazard is created in respect of any foreign vessel or underwater vessel or that such foreign vessel or underwater vessel is not brought to an unsafe port or anchorage or that the marine environment is not exposed to unreasonable risk.

(4) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

Proceedings
against the
Crown or
Marine
Officer.

25. In any action or legal proceedings brought against any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or any regulations made thereunder, the plaintiff shall not recover unless he alleges in his pleading and proves at his trial that such act was done either maliciously or without reasonable or probable cause.

Power of
Minister.

26.—(1) The Minister may by order published in the *Gazette*—

- (a) prescribe closing lines for the purpose of defining the internal waters;
- (b) designate—
 - (i) sea lanes or air routes to be used for or in connection with the exercise of the right of innocent passage; or
 - (ii) archipelagic sea lanes;
- (c) prescribe traffic separation schemes for the regulation of the passage of ships.

(2) The Minister shall cause to be prepared charts of a scale adequate for ascertaining geographical co-ordinates or lists of such co-ordinates specifying—

- (a) closing lines or baselines from which the breadth of the territorial sea, the contiguous zone and the continental shelf are measured;
- (b) the seaward limits of the territorial sea, the contiguous zone or the continental shelf;
- (c) the axis of sea lanes or traffic separation schemes.

(3) The Minister shall—

- (a) by notification in the *Gazette* publish, whether by way of charts or lists, the baselines referred to in subsection (2) (a); and

- (b) cause a copy of such charts or lists to be deposited with the Secretary-General of the United Nations.

27.—(1) Any person who—

Offences.

- (a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;
- (b) subject to subsection (2), refuses or fails to produce any licence which he is required by a Marine Officer to produce;
- (c) refuses without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act; or
- (d) assaults or obstructs any Marine Officer in the execution of his duty,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment; and in addition the Court may order the forfeiture of any vessel or equipment which is used to carry out such activity.

(2) Any person—

- (a) who is in charge of a foreign vessel which is used to carry out any activity which is prejudicial to the peace, good order or security of Jamaica; or
- (b) who on board such foreign vessel participates in any such activity,

commits an offence and is liable on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(3) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required

but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credibility of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer; and if the licence is so produced that person shall not be convicted of an offence under that subsection.

Regulations. **28.** The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations for—

- (a) charts or geographical co-ordinates to be officially recognized as indicating archipelagic baselines and the admission in evidence of such charts or geographical lists or copies thereof certified in the prescribed manner;
- (b) defining the limits of the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (c) regulating the construction, maintenance and removal of artificial islands, installations and structures on the continental shelf;
- (d) regulating customs, excise, health, safety and immigration matters in the contiguous zone;
- (e) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessels or underwater vessels and persons thereon and the imposition of penalties;
- (f) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (g) regulating any activity relating to economic exploration or exploitation of the internal waters,

- archipelagic waters, territorial sea, contiguous zone and continental shelf;
- (h) regulating the authorization, control and supervision of scientific research in the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
 - (i) the preservation and protection of the marine environment and the prevention and control of marine pollution;
 - (j) the safety of navigation and regulation of marine traffic;
 - (k) the conservation of living resources in the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
 - (l) the regulation of the use of the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
 - (m) the fees to be paid in relation to any activity taking place in the internal waters, archipelagic waters, territorial sea, contiguous zone and continental shelf;
 - (n) the levying of fees in respect of services rendered to foreign vessels passing through the territorial sea;
 - (o) the manner in which payment is to be made in respect of the exploitation of non-living resources of the continental shelf beyond two hundred nautical miles;
 - (p) matters relating to innocent passage through the territorial sea;
 - (q) the exercise of the right of archipelagic sea lanes passage;
 - (r) prescribing anything authorized by this Act to be prescribed.