

SAMOAEXCLUSIVE ECONOMIC ZONE ACT 1977Analysis

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1977, NO. 3.

AN ACT to establish an exclusive economic zone of Samoa adjacent to the territorial sea, and in the exercise of the sovereign rights of Samoa to make provision for the exploration and exploitation, and conservation and management, of the resources of the zone; and for matters connected with these purposes.

[25 August 1977]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:—

1. Short title and commencement—

[1] This Act may be cited as the Exclusive Economic Zone Act 1977.

[2] This Act shall come into force on a date to be appointed by the Head of State, acting on the advice of Cabinet, by Order.

2. Interpretation—

In this Act, unless the context otherwise requires,—

"Exclusive economic zone" and "zone" means the exclusive economic zone of Samoa described in section 3 of this Act:

"International agreement" means any bilateral or multilateral treaty, convention, or agreement, to which Samoa is a party, and any understanding concluded by the Government of Samoa and the government of any other country:

"Median line" as between Samoa and any other country, means a line every point of which is equidistant from the nearest points of the baseline of the territorial sea of Samoa and the corresponding baseline of that other country:

"Nautical mile" means the international nautical mile

3. The exclusive economic zone—

[1] The exclusive economic zone of Samoa comprises those areas of the sea, sea bed, and subsoil that are beyond and adjacent to the territorial sea of Samoa, having as their outer limits a line measured seaward from the baseline described in sections 5 and 6 of the Territorial Sea Act 1971,

every point of which line is distant 200 nautical miles from the nearest point of the baseline.

[2] Notwithstanding subsection [1] of this section, where—

[a] Any part of the median line between Samoa and any other country is less than 200 nautical miles from the nearest part of the baseline of the territorial sea of Samoa; and

[b] No other outer limit of the exclusive economic zone is for the time being determined by Order made under subsection [3] of this section

that part of the median line shall be an outer limit of the zone.

[3] For the purposes of implementing international agreement, or the arbitral award of any international body, or the judgement of any international body, or the judgement of any international Court, or for any other purpose in accordance with international law, the Head of State acting on the advice of Cabinet may from time to time, by Order, declare that the exclusive economic zone shall not extend to any specified area of the sea, sea bed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

[Sections 4 - 14 replaced by the Fisheries Act 1988]

15. General regulations in zone—

[1] Where no other provision is for the time being made by any other enactment for any such purposes, the Head of State, acting on the advice of Cabinet, may from time to time, make regulations not inconsistent with any other enactment for all or any of the following purposes:

[a] Regulating the conduct of scientific research within the exclusive economic zone: Prescribing measures for the protection and preservation of the marine environment of the zone:

[b] Prescribing measures for the protection and preservation of the marine environment of the zone

[c] Regulating the construction, operation, and use of artificial islands [whether permanent temporary], and of other installations and structures within the zone, including the establishment of safety zones around such islands, installations, and structures:

[d] Regulating the exploration and exploitation of the zone for the production of energy from the water, currents, and winds, and for any other economic purposes:

[e] Providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights of Samoa in relation to the zone:

[f] Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offence:

[g] Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

[2] Regulations made under this section may declare that the provisions of any enactment [whether made before or after the passing of this Act], shall apply, with such modifications and exceptions [if any] as may be specified in the regulations,—

[a] Within the exclusive economic zone; or

[b] Within any specified part of the zone; or

[c] To acts and omissions within the zone—

and the provisions of that enactment [with such modifications and exceptions, [if any] shall apply accordingly as if the zone or the specified part of the zone were within the territorial limits of Samoa.

16. Offences in zone deemed to be committed in Samoa—

Any offence against this Act that is committed within the exclusive economic zone shall be deemed to have been committed in Samoa.

17. Jurisdiction of Court—

Notwithstanding any provision in any enactment the Supreme Court shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act.

18. Modifications to give effect to international agreement—

The Head of State, acting on the advice of Cabinet may, from time to time, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

[Section 19 repealed by fisheries Act 1988]**20. Amendments and savings—**

[1] The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

[2] Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution of the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.

SCHEDULE
Enactments Amended

Section 20

| Enactment Amended | Amendment |
|---|---|
| 1959, No. 6 -- Agriculture, Forest and Fisheries Ordinance 1959 | [1] By inserting after section 2, the following section — “2A. <i>Application of Ordinance to exclusive economic zone</i> – Nothing in this Act shall be constructed to authorise the making of any regulations in derogation of the provisions of the Exclusive Economic Zone Act 1977, or any regulations made under that Act, relating to fishing”. |
| 1961, No.13 – Crimes Ordinance 1961 | [2] By inserting in paragraphs [c] of section 4 after the word “thereof” the words “or in the exclusive economic zone of Samoa [as defined in the Exclusive Zone Act [1977]” By adding to the definition of the term “Samoa” [as amended by section 10 of the Territorial Sea Act 1971] the words” and the exclusive economic zone of Samoa [as defined in Exclusive Economic Zone Act 1977]”. |
| 1972. No – Shipping Act 1972 | [1] By inserting the subsection [3] of section 29 after the words “Samoa” the words “or into the waters of the exclusive economic zone of Samoa as defined in the Exclusive Economic Zone Act 1977]. [2] By inserting the subsection [24] of section 37 after “Samoa” the words “or in the exclusive economic zone of Samoa [as defined in the Exclusive Economic Zone Act 1977].” |
