



TRINIDAD AND TOBAGO
Act No. 43 of 1969

[L.S.]

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

[Assented to 22nd December, 1969]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and
by the authority of the same, as follows:—

1. This Act may be cited as the Continental Shelf Act, Short title
1969.

Interpretation

2. In this Act—

“Continental Shelf” means the seabed and subsoil of the areas adjacent to the coasts of the island of Trinidad and the island of Tobago and all other islands within Trinidad and Tobago but outside the area of the territorial sea to a depth of two hundred metres and beyond that limit to where the depth of the superjacent waters admits of exploitation of the natural resources of the said areas;

“designated area” means an area designated by Order of the Governor-General under section 3 (6);

“Minister” means the member of Cabinet to whom responsibility for Petroleum is assigned;

Exploration
and exploita-
tion of
Continental
Shelf

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

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

(3) In relation to any petroleum with respect to which those rights are exercisable, the Petroleum Act, 1969 and any regulations made thereunder shall apply as they apply in relation to petroleum in a submarine area within the meaning of those enactments.

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

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

- (a) the licences under the enactments applied by subsection (3), granted in that year in respect of areas beyond the limits of the territorial sea and the persons to whom and the areas in respect of which they were granted; and the like information as respect such licences held at the end of that year;
- (b) the amount of natural gas and of other petroleum won in that year in pursuance of licences held in respect of such areas.

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

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

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

Protection of
installations
in designated
areas

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

5. (1) Any act or omission which occurs on, under or above an installation in a designated area or in any waters within five hundred metres of such an installation; and which would, if it had taken place in Trinidad and Tobago,

Application
of criminal
and civil
law

constitute an offence under any law in force, shall be treated for the purposes of that law as taking place in Trinidad and Tobago.

(2) Subject to subsection (1), the law in force in Trinidad and Tobago shall apply for the determination of questions arising out of acts or omissions occurring in the course of the exploration or exploitation of the Continental Shelf.

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

Safety of
Navigation
No. 39 of
1961

6. (1) Part VI of the Port Authority Ordinance (which require the consent of Port Authority to the carrying out of certain works on the seashore if obstruction or danger to navigation is likely to result) except section 41 (1)(b) (which restricts the deposit of materials) shall apply in relation to any part of the seabed in a designated area as it applies in relation to the seashore.

(2) Any person guilty of an offence under the said Part VI as applied by this section is liable, on summary conviction to a fine of two thousand dollars, or to twelve months imprisonment, or to both.

Discharge
of oil

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

(a) from a pipe-line; or

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

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

(2) A person guilty of an offence under this section is liable, on summary conviction to a fine of two thousand dollars, or to twelve months imprisonment or to both.

(3) In this section—

“oil” means oil of any description and includes spirits produced from such oil and any mixture containing not less than one hundred parts of such oil in a million parts of the mixture;

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

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

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

Submarine cables and pipe-lines

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

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

Designated area for the purposes of customs duties

Ch. 32. No. 2

(2) With a view to exempting any goods from any duty, or charging any goods with duty at a reduced or preferential rate, under any of the enactments relating to duties of customs, the Minister of Finance may by Order prescribe cases in which the Continental Shelf of any country prescribed by the regulations, or of any country of a class of countries so prescribed, shall be treated for the purposes of such of those enactments or of any instruments made thereunder as may be so prescribed as if that shelf formed part of that country and any goods brought from that shelf were consigned from that country; and in this subsection the expression "continental shelf", in relation to any country, means—

- (a) in relation to Trinidad and Tobago, any designated area;
- (b) in relation to any other country, the seabed and subsoil of the submarine areas adjacent to the coast, but outside the seaward limits of the territorial waters of that country over which the exercise by that country of sovereign rights in accordance with international law is recognized or authorized by Her Majesty's Government in Trinidad and Tobago.

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

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

Prosecution
of offences,
&c.

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

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

In this subsection, "director", in relation to a body corporate established for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by a Board, means a member of that Board.

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

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

Compulsory
Insurance by
employer.
No. 24 of 1960

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

Governor-General
may make
regulations

14. The Port Authority Ordinance mentioned in the first column of the Schedule hereto is amended to the extent specified in the second column thereof.

Port Authority
Ordinance, 1961
amended

15. This Act shall come into operation on a date to be fixed by proclamation of the Governor-General published in the Gazette.

Commencement

SCHEDULE

ENACTMENTS AMENDED

(Section 14)

<i>First Column</i>	<i>Second Column</i>
Port Authority Ordinance, No. 39 of 1961	By inserting immediately after section 29 thereof the following :
"Preparations of Documents under the Ordinance	29A. The Authority shall cause to be prepared and in such manner as it may think fit—
	(a) a tariff book containing all matters which under this Ordinance or any regulations made thereunder are required to be

SCHEDULE—CONTINUED

*First Column**Second Column*

contained therein, together with such other matters as the Authority may think fit;

- (b) such other books and other documents as under this Ordinance or any regulations made thereunder are required to be kept.”.

By repealing and replacing Part VI thereof as follows :

“PART VI

Safety of Navigation

Safety of navigation 41. (1) The consent of the Port Authority to the carrying out of the following operations on the seashore shall first be obtained, that is to say—

- (a) constructing, altering or improving any works on, under or over any part of the seashore lying below high water mark of ordinary spring tides;
- (b) depositing any object or any materials on any such part of the seashore or aforesaid; or
- (c) removing any object or any materials from any part of the seashore lying below low mark of ordinary spring tides,

if obstruction or danger to navigation is likely to result.

(2) A person who contravenes or fails to comply with the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of two thousand dollars or twelve months imprisonment or to both.”.

Passed in the Senate this 5th day of November, 1969.

E. CARTER

Clerk of the Senate

Passed in the House of Representatives this 12th day of
December, 1969.

G. R. LATOUR

Clerk of the House